DOCUMENT RESUME

ED 375 824 IR 016 885

TITLE	Children's Television (Part 2). Hearing before the Subcommittee on Telecommunications and Finance of the Committee on Energy and Commerce. House of Representatives, One Hundred Third Congress, Second Session (June 10, 1994).
INSTITUTION	Congress of the U.S., Washington, DC. House Subcommittee on Telecommunications and Finance.
REPORT NO	ISBN-0-16-045897-8
PUB DATE	Jun 94
NOTE	140p.; Serial No. 103-121. Reproducibility varies widely.
AVAILABLE FROM	U.S. Government Printing Office, Superintendent of Documents, Congressional Sales Office, Washington DC 20402.
PUB TYPE	Legal/Legislative/Regulatory Materials (090)
EDRS PRICE	MF01/PC06 Plus Postage.
DESCRIPTORS	Children; *Childrens Television; Educational Media; *Educational Television; Elementary Secondary Education; *Federal Legislation; Hearings; Television Commercials
IDENTIFIERS	Congress 103rd

ABSTRACT

The topic of this hearing was the Children's Television Act of 1990. This act was designed to increase the choices for children and to give parents and families the possibility of finding educational programming to supplement other children's programs. The Act has two major provisions. First, it established time limits on the amount of advertising that could be shown during children's programs. The second requires broadcasters to serve the educational and informational needs of the child audience including programming specifically designed to meet these needs. This hearing focused on whether this law has changed the landscape for children in the almost four years it has been in effect. Testimony was presented by: (1) Rosanne K. Bacon, Executive Committee member, National Education Association; (2) David V. B. Britt, President, Children's Television Workshop; (3) Linda Cochran, Vice President, WSYT-TV, Syracuse, New York; (4) Margaret Loesch, President, Fox Children's Network; (5) Linda Mancuso, Vice President, Saturday Morning and Family Programs, NBC; (6) Kathryn C. Montgomery, President, Center for Media Education; (7) Kent Takano, Producer, "Scratch" Teen Magazine Program; and (8) Paul Zaloom, actor, "Beakman's World." A statement submitted for the record by Jeanette B. Trias, President, ABC Children's Entertainment, concludes this hearing report. (JLB)

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CHILDREN'S TELEVISION
(Part 2)

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ED 375 824

HEARING

BEFORE THE

SUBCOMMITTEE ON
TELECOMMUNICATIONS AND FINANCE

OF THE

COMMITTEE ON
ENERGY AND COMMERCE
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

SECOND SESSION

JUNE 10, 1994

Serial No. 103–121

Printed for the use of the Committee on Energy and Commerce

U.S. GOVERNMENT PRINTING OFFICE
83-159CC WASHINGTON : 1994

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-045897-8

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CHILDREN'S TELEVISION

FRIDAY, JUNE 10, 1994

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
SUBCOMMITTEE ON TELECOMMUNICATIONS AND FINANCE,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:45 a.m., in room 2123, Rayburn House Office Building, Hon. Edward J. Markey (chairman) presiding.

Mr. MARKEY. Good morning and welcome to the Subcommittee on Telecommunications and Finance oversight hearing on the Children's Television Act.

Last year this subcommittee held its first oversight hearing on the Act. We heard testimony that many licensees were complying with the Act by redefining existing programs as educational. The Flintstones taught about life in prehistoric times, those simpler times when small creatures served as vacuum cleaners and garbage disposals. Maybe there really was a Grand Poobah. The Jetsons taught about life in the 21st century. We all grew up watching these programs. There is no doubt that kids love them, but they are not educational.

The Children's Television Act was designed to increase the choices for children, to give parents and families the possibility of finding educational programming to supplement the Ninja Turtles.

Young children in this country spend almost 4 hours a day watching television on average. By the end of high school, they will have spent far more time watching television than in the classroom.

While television cannot be expected to be the primary educator of children, it has a critical influence on their lives, and broadcasters have a special obligation to meet the educational needs of children under the law. We are here today to review their compliance with that law.

The Children's Television Act of 1990 gives parents and citizens a role in increasing the amount of educational children's programming. The bill requires television broadcasters to serve not only the general audience but the special child audience with programs designed specifically to meet the educational and informational needs of children. Parents can then direct their children's viewing to these programs.

The law is not about who controls the clicker but about the number and diversity of programs available to the Nation's children.

With the passage of the Children's Television Act, we looked forward to new, creative, and innovative programming signaling the dawn of a new era of children's television programming. With a few notable exceptions, including several before us today, there has not been a dramatic increase in children's educational programs. Last year I said that children's television was the video equivalent of a Twinkie. This year the Twinkie is served with an occasional vitamin, but most children's television today remains the equivalent of a trip to Toys R Us.

A recent ad pointed out that children will be responsible for $130 billion of their parents' purchases this year. They will buy billions of dollars of toys, and they will see very few children's educational programs.

We recognize that the forces of the marketplace will not serve the needs of children well. That is why the Act was passed. But has the law served as an effective balance to the powerful imperatives of advertisers and toy companies?

Certainly there are educational programs that generate large audiences. The PBS program, "Where in the World is Carmen Sandiego?" has almost 6 million children tuning in each week. Over 3.5 million units of Carmen software has been sold to date. Educational programs can succeed if given a chance.

The Children's Television Act has two major provisions. First, it established time limits on the amount of advertising that could be shown during children's programs. I am very happy to say that the FCC has moved forward in this area, fining 23 stations to date for violations of these easy to define, clear, time limits. Most broadcasters are complying with these rules.

The second provision requires broadcasters to serve the educational and informational needs of the child audience including programming "specifically designed to meet the educational and informational needs of children."

A report issued by Squire Rushnell, former vice president of children's programming at ABC, found that in 1980, prior to deregulation, the three networks had an average of more than 11 hours per week of educational programming for children. By 1990 that number had fallen to less than 2 hours. The Children's Television Act was designed to reverse that downward trend.

Today we will examine whether this law, which has been in place now for almost 4 years, has changed the landscape for children.

Broadcasters remind us that cable has provided some new options for children, including many educational programs. This is true. But broadcast television still accounts for 68 percent of the viewing of all children. The increase in cable programming does not reduce broadcasters' obligations to serve the public under the terms of their license. They are public trustees of the spectrum that belongs to the American people, and their trusteeship carries obligations.

In addition, 40 percent of households do not subscribe to cable, and for families with incomes under $15,000, 60 percent do not have cable. Families with $15,000 or less as a family income, 60 percent do not have cable, and it is these children who most depend upon the programming from the broadcast networks. They are not being served by the broadcasters of this country.

Those children who they do stories about on the 7:00 news as crimes are committed across the country—we don't catch them in the morning or the late afternoon with programming designed to ensure that these children have other alternatives that they can be exposed to. The networks only cover them as they begin to commit crimes in our society and wonder why in their editorials.

In its notice of inquiry, the Commission has proposed several ways of strengthening enforcement of the Act. They propose to more specifically define educational programming, to establish guidelines for scheduling programs, and to establish a guideline for the number of hours of educational programming expected of broadcasters. I look forward to hearing from our witnesses who have very strong views on this subject.

Some people have misstated the Act with respect to the FCC's authority to impose minimum guidelines. While it is true that the legislation does not require the FCC to set quantitative guidelines, it also does not preclude it. The FCC should exercise its discretion in this regard based on what it determines is necessary to accomplish the purposes of the Act. In fact, many broadcasters commenting on the notice of inquiry have supported guidelines to help them to understand what is expected under the Act. The Association of Independent Television Stations has taken a position in favor of a guideline of 2 hours per week of educational programming. The National Education Association has called for an hour a day of educational programming.

We expect this to be a vigorous debate this morning. We hope to give proper guidance both to broadcasters and parents with regard to what they should expect in the years ahead.

That completes the opening statement of the Chair. Let me turn to recognize the gentleman from Texas, the ranking minority member, Mr. Fields.

Mr. FIELDS. Thank you, Mr. Chairman. I want to commend you for holding this oversight hearing on the implementation of the Children's Television Act of 1990.

The Children's Television Act of 1990, in addition to setting guidelines for children's television advertising, reaffirmed the essential obligation of broadcast licensees to serve children. The Act directs the Federal Communications Commission to consider whether a TV station has served the educational and informational needs of children in its overall programming.

Mr. Chairman, as you recall, this committee held a hearing last year due to a report that some broadcasters were failing to meet their programming obligations required by the Act. At that time, broadcasters argued that it was too soon to draw conclusions about the industry's response to the Act, and I agreed. But now, two television seasons have elapsed since this Act went into effect. Thus, I think it is appropriate to evaluate the broadcast industry's performance, and I look forward to today's panel testimony as to the impact the law is making on the educational quality of children's programming.

Since our last hearing much has happened. The FCC initiated an inquiry to reexamine its rules and policies implementing this particular Act. This month, the FCC will hold a hearing to examine whether further programming guidelines are necessary, and I am going to be watching those proceedings very carefully because not only am I a representative of 575,000 people, I am a father of a 4-year-old little girl.

Mr. Chairman, with children spending more and more time in front of the television set—and I can say that is true of my little girl—as much as 20 hours a week, broadcasters have the enormous responsibility and the potential to both educate and entertain children. Indeed, in my opinion, providing quality children's TV programs is part of a broadcaster's public service obligation. For the most part, I believe this broadcast industry has met that particular obligation, and, again, I want to say I am looking forward to the testimony and I join with the chairman in saying that I hope that this is a very vigorous debate and gives us a real understanding of where this issue is at this particular moment.

Mr. MARKEY. The gentleman's time has expired.

The Chair recognizes the gentleman from Oregon, Mr. Wyden.

Mr. WYDEN. Mr. Chairman, thank you, and I am going to be very, very brief, and I want to thank you and Mr. Fields for your many years of work in this area. I have to say I think this committee has held so many hearings on the quality of children's TV over the years that you start to feel a little bit like Charlie Brown being told by Lucy that, if we just trust her this time, she won't yank the football away at the last second.

We are constantly being told that children's TV is going to improve if Congress just gives the industry a bit more time, and I have to tell you that, to me, the bottom line in this country is that what we need is to have the television networks put as much time into children's TV as they do into putting together shows about the Menendez brothers or Amy Fisher. I think that is what this is all about. We know that if you put considerable effort into putting good shows together and coming up with good time slots and promoting those shows, we know that the American youngsters are going to watch them. But, as I say, the effort is not being put into children's TV, it is being put into these various kinds of flashier shows that bring about ratings.

In particular Mr. Chairman, I hope that at the end of this oversight hearing, that you and our ranking minority member, Mr. Fields, will convene a bipartisan effort to look at these rules and work with the Federal Communications Commission in two areas: First, a redo of these rules on what constitutes educational programming, because I think the definition is now so vague that it can constitute almost anything; and then I hope, under your leadership and that of Mr. Fields, there will also be an effort to specify a reasonable requirement that stations should have to comply with on the amount of programming and the time in which they are aired.

I would also point out that I think it is appropriate that we ask these stations to do this now, because this committee has also, I think this year, been pretty darn good to the broadcasters, particularly during consideration of the telecommunications legislation that is going to give the broadcasters opportunities for spectrum that they have not had before.

So, Mr. Chairman, I look forward to working closely with you and Mr. Fields in building a bipartisan effort on this committee to turn this situation around.

Mr. MARKEY. Thank you. The gentleman's time has expired.

The Chair recognizes the gentleman from Illinois, Mr. Hastert.

Mr. HASTERT. I thank the chairman, and certainly I am pleased to be here this morning to hear about the progress in compliance with the intent of the Children's Television Act of 1990.

It has often been said, but I will say it again because it is profound, that our children will have spent more time watching television than they spend in school by the time they are 18 years old. Because kids today are spending more time in front of the television set than ever before, it is crucial that we are providing them with programming that helps them grow and learn, even programming that is dedicated and designed for that purpose. It is an awesome responsibility for producers, programmers, and broadcasters.

I look forward to the testimony spelling out improvements made from last year and the vision for future efforts to provide suitable children's programming.

In reality, you see when children have a choice—and of course sometimes only certain families have the ability to give children that choice—but when they do have other mediums available, cable programming for instance, you see kids turn the channel to the educational programs. Those programs, and sometimes cable channels, that are just dedicated to children and development and learning, are often where their choice is. We need to give those children those same types of choices in the broadcasting arena, and we need to work for that.

Today we don't isolate education in a red brick building any more. Education is a life experience, and so much of a child's life is before the TV set. It is incumbent upon you, and incumbent upon us to make sure that experience is extended through that medium.

Thank you, Mr. Chairman.

Mr. MARKEY. The gentleman's time has expired.

The Chair recognizes the gentleman from Texas, Mr. Bryant.

Mr. BRYANT. Thank you, Mr. Chairman. I am glad that we are here again, although it seems that we have had too many of these hearings—that too many of these hearings have been necessary—let me put it that way.

I think it may be instructive, based on my reading of the staff report that we have all been given prior to this hearing, to observe that with regard to the area of responsibility in which the time limits have been specific—that is, the time limits on commercials—compliance apparently has been very good. But, with regard to the area in which the guidelines are not specific, and that is the area of educational programming, compliance at least with the spirit of our intent in passing this law has not been good based upon the FCC's report. This is a puzzle to me because of the fact that we are constantly asked to leave flexibility in the law in order that those who are affected might be able to comply with it voluntarily and do so in a flexible way. It is not for lack of available programming.

I would like to ask the gentleman over there at the television to play about a minute and a half here of public service announcements which has been made available for free with no programming cost whatsoever for the stations—if you would go ahead and play those, compliments of the National Basketball Association.

[Videotape shown.]

Mr. **Bryant**. I take the time of the committee to show that because that stuff is quality and it is free, there are no programming costs involved in it, and it is made available to the people who own and operate our networks and our local television stations by the National Basketball Association. I don't have a catalogue of how much additional free programming is available.

I don't want to leave the impression that I think that public service announcements are a substitute for programming; they are not. But, we have allowed them to be counted towards the responsibility that you are supposed to be meeting.

With this kind of stuff available—and I am sure there is a great deal more available—it is a puzzle to me that we are not seeing more compliance on the part of our networks and our stations with the spirit of this Act, and I will leave that question hanging and hope that you will address it in your statements to the committee.

I yield back my time.

Mr. **Markey**. The gentleman's time has expired.

The Chair recognizes the gentlelady from California, Ms. Schenk.

Ms. **Schenk**. Thank you, Mr. Chairman.

This morning's headline on the front page of the Washington Post: "The Children's Half Hour Hostage to Toy Makers." The story, of course, goes on to talk about the report of the Center for Media Education.

But as a stepparent, as a grandparent, as an aunt, as a godmother, just as an American, I don't need a report to tell me that something is very wrong with the quality of children's programming in this country. All I need to do or any one of us needs to do is take a glance at the television set as the children are sitting in front of it during after-school hours or on Saturday morning.

By the time an American child finishes high school, he or she will have watched between 10,000 and 15,000 hours of television—as was pointed out by my colleague, more hours than sitting in the classroom. TV is the primary source of information for the average American child.

Given that fact, we have a responsibility as Members of Congress, as parents, as the guardians of the next generation, to see that the children have access to programming that pays more than lip service to the educational needs of our young people and their young minds, and, frankly, the industry has a responsibility too. Broadcasters have a very special privilege in this country, the privilege to come into just about every home in America, and with that privilege goes serious responsibility, and I really want to make sure that we are spared the sanctimonious upper middle class thought that, well, the parent has the clicker, the parent can push the button on or off, for those that even know how to do it.

Let me tell you, most parents, single parents, are harried, they work hard all day, all they want to do is have some peace and quiet, and the television becomes their ally in giving them that peace and quiet as the kids sit in front of it absorbed in violence and all the nastiness that comes spewing forth from that tube.

We have had hearings. We had a hearing in March, we hold another one today, and yet I still don't understand why the industry will not step up and discharge this responsibility to do what is simply right for the children of this Nation.

No, I do know why, and it is right here in the story. It is about money. That is what it is about. That is more important than our young minds.

It is time that we go beyond oversight and that we work with the FCC to develop the new rules and the new guidelines that finally put some teeth into the enforcement of this Act because I, for one, have lost my patience and we can't just wait any longer for the broadcasters to do what is right by our children.

Thank you, Mr. Chairman.

Mr. MARKEY. The gentlelady's time has expired.

The Chair recognizes the gentlelady from Pennsylvania, Ms. Margolies-Mezvinsky.

Ms. MARGOLIES-MEZVINSKY. Mr. Chairman, I would like to commend you for having these hearings. I agree with a lot of what has been said, the general tone of the introductory remarks.

I think as parents we all know how hard it is to monitor what our children watch, and in the interests of time I would just like to shortly say that addressing industry responsibility is a must. I think we have waited an awfully long time. It saddens me when I turn on the tube or when I walk into the room and when I see what my children are watching. It saddens me that violence seems to be the easy answer on these shows. It saddens me that it sends a message to our children that it is the first answer, that it is an answer at all, that conflict resolution is as easy as striking out at anybody who is out there. It is very important that we address this issue and that we really address it now.

Thank you all for coming. I welcome you, and I look forward to listening to what you have to say.

Mr. MARKEY. The gentlelady's time has expired.

The Chair recognizes the gentleman from Louisiana, Mr. Tauzin.

Mr. TAUZIN. I thank the Chair.

Mr. Chairman, I, too, am grateful to you for these continuing series of hearings, and I want to state at the outset that I think all of us recognize that commercial broadcasters in America, as a quid pro quo for the license to operate are required to operate in the public interest and that part of that public interest standard is obviously the requirement that broadcasters do operate in a way that serves the public, not just serves the profit motive of commercial operators.

But the profit motive is important in commercial television, and I think it is important in these hearings, in all hearings, as we examine this among other areas of Government-preferred broadcasting, because that is what educational children's television is all about, that we recognize we are dealing with a for-profit enterprise and that there is some balance here.

We also, as a matter of public interest, fund public television and public radio in an effort to reach out with some of these public interest concerns for educational programming and for various other forms of cultural and other forms of programming that might not make the for-profit standard on commercial broadcasters' rating sheets.

In one of our last hearings, Shari Lewis in her testimony—Shari Lewis of Shari Lewis and Lamb Chop—pointed up her program as an example of a successful and profitable children's programming that not only entertained but also educated, and I suppose, Mr. Chairman, that is one of my concerns as we address this issue.

I think it was clear from previous hearings that broadcasters believe in their public interest requirement. They believe the Act, the Children's Television Act, requires them and does, in fact, mandate them to continue excellent children's programming, and improving on the reporting requirements may be an important step we can take as a result of these hearings.

But I again want to emphasize that if we are going to balance the needs of the public interest with the requirement that commercial stations still remain viable and profitable, that we can't go overboard in any one direction and that public television serves a great deal of that purpose for us and should continue to serve a great deal of that purpose for us. That is why I support public television so much in our country.

Let me also caution this committee, and I hope all who are listening, that while children's television is a very big concern for the most liberal and the most conservative member of this committee, nevertheless, there is a line that I hope we draw somewhere regarding Government preferred television and Government preferred broadcasting on commercial outlets.

I am a little concerned when we start hearing testimony that the Government ought to decide the quality of particular programming, that it has some entertainment in it and therefore it doesn't meet some educational standard.

I remember the teacher I most learned from was an entertaining teacher, it was someone who kept me interested and therefore kept my attention, and I tended to leave that class fulfilled and enlightened, and I remember other teachers who were less than entertaining, less than holding my interest, and I left that class rather bored and, I think, uninspired.

There is a fine mix, a fine balance, in television for children, I think, that requires that, as Shari Lewis pointed out, that it be both successful and perhaps even profitable to the commercial broadcaster, and I would hope that we keep that in mind and that we don't try as a Government agency or as a Government panel here to dictate too closely our standard but, rather, let the American public set the standards in commercial television viewing.

In the end, the American public is the judge of which network is performing the best. In the end, if the American public believes, as some on this committee believe, there isn't enough children's programming, the American public generally has its way in this country, and its way is generally felt in the ratings that television generally enjoys.

I don't have to tell you that commercial television faces a great many more competitors today than it did a few years ago and that if we are going to maintain commercial television as a viable competitor in our marketplace, that this panel or the FCC or any Government agency trying to second-guess or decide what ought to be on at what times and what quality each program ought to be may be a line we may not want to cross.

We can complain about the violence, and we should, and we can and we should complain when there isn't enough good television for children, and we should, but there are lines we ought not cross.

Thank you, Mr. Chairman.

Mr. MARKEY. The gentleman's time has expired.

The Chair recognizes the gentleman from California, Mr. Moorhead.

Mr. MOORHEAD. Thank you, Mr. Chairman.

I want to commend you for scheduling this hearing to examine the implementation of the Children's Television Act which was enacted into law in the fall of 1991. This hearing is timely because it has now completed two of its years, two television seasons under the new law, and it is appropriate that we examine the law's impact on children's programming.

The law is straightforward. First, it sets limits on the amount of commercial time during children's shows. Second, it directs the Federal Communications Commission to take into consideration at the time of the latest renewal whether a TV station has served the educational and informational needs of children. This provision recognizes that children are a special audience with unique programming needs and it is intended to improve children's programming under this law.

Last year the subcommittee enacted a 1992 report by the Center for Media Education which raises serious questions as to whether stations were responding appropriately to the programming obligations of the law. In 1992 the report concluded that very little new programming was being aired to meet the special needs of children and that in many instances television licenses were merely redescribing old programs and cartoons to meet the educational and educational mandate of the law. Broadcasters at that time argued that the report's conclusions were premature because the programming market for quality children's programming was not yet developed.

Following the subcommittee's hearing of a year ago, the FCC initiated an industry inquiry proposing to reexamine its rules and policies regarding broadcasters' programming obligations to children. This month the FCC will hold an en bloc hearing on children's television. The good news is, as a result of the subcommittee's hearings and the actions of the FCC, there has been an improvement in the quality and quantity of children's programming during this last year.

Mr. Chairman, I look forward to listening to the testimony this morning. I know we all want to see improvement in this particular area. I think there is an effect on kids from too much violence and too much sex on television, and, you know, these kids are watching the TV during the afternoon when the parents are gone in many cases, there is very little restriction on what they are watching, and unless there is quality programming during those hours that children can see, we are going to have more violence among our kids that will have an adverse effect.

I think the improvement that has taken place in the last year is encouraging, but I think a lot more needs to be done, and I look forward to the testimony that you are going to give at this point.

Thank you.

Mr. MARKEY. The gentleman's time has expired.

All opening statements by the members of the subcommittee have been completed, and we will now turn to our witness panel, and we will begin with Paul Zaloom. Paul Zaloom is a performance artist. He is the first recipient of a Guggenheim fellowship grant awarded to support creative artists.

"Beakman's World" is a live action television series based on the comic strip program that premiered in September of 1992. Beakman's World has received the Excellence in Media Silver Angel Award in 1993, the Television Critics Association nomination for Outstanding Children's Program of 1993, the Parent's Choice Award for Outstanding Accomplishment in Children's Programming for 1993, and the Cable Award for Children's Programming in 1994.

We welcome you, Mr. Zaloom. You have 5 minutes, as will each witness. We are trying now to keep to the same rules that we have for our subcommittee members. You have 5 minutes. We will be monitoring that for each and every one of you. Whenever you feel comfortable, please begin.

STATEMENTS OF PAUL ZALOOM, ACTOR, "BEAKMAN'S WORLD"; KATHRYN C. MONTGOMERY, PRESIDENT, CENTER FOR MEDIA EDUCATION; LINDA MANCUSO, VICE PRESIDENT, SATURDAY MORNING AND FAMILY PROGRAMS, NBC; LINDA COCHRAN, VICE PRESIDENT, WSYT-TV, SYRACUSE, NY; ROSANNE K. BACON, EXECUTIVE COMMITTEE MEMBER, NATIONAL EDUCATION ASSOCIATION; MARGARET LOESCH, PRESIDENT, FOX CHILDREN'S NETWORK; DAVID V.B. BRITT, PRESIDENT, CHILDREN'S TELEVISION WORKSHOP; AND KENT TAKANO, PRODUCER, "SCRATCH" TEEN MAGAZINE PROGRAM

Mr. ZALOOM. Chairman Markey, members of the subcommittee, ladies and gentlemen, thank you very much for inviting me to testify here today.

My name is Paul Zaloom, and, as Chairman Markey said, I play the wild-haired wacky scientist Beakman on "Beakman's World", a half-hour series, that is produced by Columbia Tristar Television and Universal Belo Productions, that airs each week on both CBS and the Learning Channel on cable.

You know, I have been wracking my brain trying to find some way to really grab your attention here this morning, and I thought maybe I would, like, blow something up, something small, or maybe pull out a giant ear and extract some ear wax and explain what that is for, which is something we have done on the show, or maybe I could pound my shoe on the table like Khruschev supposedly did back when I was a kid; that really got attention.

But why would I want to do something like this? Well, I wanted to demonstrate in a graphic way what we do on our show. We try to grab the kids' attention. We have to. We are competing for that attention with entertainment such as the Power Rangers and Ninja Turtles, and we teach science, a very complex and sophisticated subject that does not usually involve kick boxing.

The idea for the show came from a Universal Press syndicated column by Jok Church called, "You can with Beakman and Jax", seen in hundreds of newspapers around the world, including the Washington Post. Like the column, in the show we answer children's questions about science. We have described how elevators work, why feet stink, how caves are formed, why the sky is blue. We even tackled Einstein's theory of relativity in 6 minutes. That was tough, by the way. We do this by making science fun or actually putting the fun back in science that has always been there. We get to play lots of characters. We perform elaborate demonstrations and conduct experiments that our audience can also do at home. So our show is truly interactive, with the audience not only asking the questions but also doing the experiments along with us.

Why is this important? Well, according to a study cited in Newsweek magazine, by the third grade 50 percent of students dislike science and by the eighth grade 80 percent of students hate it. Science is perceived as being for nerds with pocket protectors and bad skin, like me.

I think the stereotype masks our fear of what we don't understand. Science is seen as inaccessible, opaque, and beyond comprehension. We aim to help change that perception by engaging our audience and finding fun, nonthreatening, cool ways to teach scientific principles. So we use 5,000 sound effects per show, crazy camera angles, and a guy in a ridiculous rat suit to get our audience involved.

So, does it work? Well, here's what I hear. The enthusiastic endorsements from educators, the scores of parents who tell me they love the show, and, very important, they watch the show with their kids, the sounds of sheer delight I hear when I randomly call some of the letter writers at home, which is really fun, not to mention the 1,000 letters we receive each week.

The letters are very satisfying and quite moving to read. I would like to read just one to you.

"Dear Beakman, how does a surf board work? How does anyone learn to surf? Yours truly," and the kid signed his name. At the bottom of the page the parent wrote a note, "Our boy is a developmentally delayed 11-year-old child, but his mental faculties are first rate. This is the first letter he has ever written on his own. Thank you for providing him with the motivation." Well, you can't beat that for feedback. I have a great job, and I love it because I feel like we are actually making a difference.

But don't get me wrong, please. We are not a replacement for school. We hit the tree tops, we make the connection between science and everyday life, and we open the doors to perception. That is the key. When a child who has seen Beakman's World walks into school instead of being intimidated by science, he or she can be open to and excited about learning something cool, and that child could be my 11-year-old daughter Amanda, because I am a parent too.

I am sure you know there has been plenty of discussion of the negative effects that dismal science and geography scores are having on our economy, our relationships in the world, our technological edge. Each and every one of us needs to take the responsibility for this educational deficit and help erase it. So we at Beakman's World must be partners with schools, parents, the media, museums libraries, the Government, and children to improve science literacy. The medium of television is in a unique position to help accomplish this task

Kids like to watch the tube. So what else is new? The Children's Television Act of 1990. That's what. Our show, Beakman's World, would never have been made without it. I think, however, that it is always hard to comply with or enforce a law that is difficult to interpret and implement. The networks and cable companies need a level playing field on which to operate so the perceived burden does not fall unfairly. That is up to you folks. But I implore you to take this responsibility very seriously because the very future of our children depends on it.

Thank you.

Mr. MARKEY. Thank you, sir, very much.

Our next witness is Dr. Kathryn Montgomery. She is president and cofounder of the Center for Media Education, a nonprofit public interest organization. Dr. Montgomery, formerly a university professor, has studied issues surrounding the television industry for over 15 years and is considered to be one of our Nation's experts.

We welcome you, Doctor. Whenever you are ready, please begin.

STATEMENT OF KATHRYN MONTGOMERY

Ms. MONTGOMERY. Thank you. Am I on here? Good morning.

The Center for Media Education is a nonprofit organization that was created in 1991, and we are carrying on the work of Action for Children's Television.

I want to thank you all for the opportunity to testify today. As the members of this committee are aware, passage of the Children's Television Act in 1990 followed almost a decade of efforts by Action for Children's Television and a broad coalition of education and child advocacy and parent organizations.

For the last 2 years the Center for Media Education has been working closely with many of these same organizations to see that the Children's Television Act has its intended effect of increasing the amount of children's educational and informational programming on broadcast television.

In 1992 we released a report analyzing license renewal applications and found that many stations were simply relabeling cartoons such as the Jetsons and G.I. Joe as educational, hardly what the Act intended.

We have just completed a new study that reveals major barriers within the television industry, institutional, economic and attitudinal, to successful implementation of the Children's Television Act.

We interviewed producers and distributors of the programs as well as network executives and other experts within the industry. A total of 50 people, a number of whom requested anonymity, were interviewed. These were producers and distributors of programs designed to comply with the law. I would like to summarize the findings of our study this morning.

First, we found that most of the programs created in response to the Children's Television Act have been assigned a second-class status in commercial television, reflecting a prevailing attitude that, because these shows are required by the FCC, they must therefore be dry and boring and children won't watch them. I want to show you a brief clip from a recent movie which illustrates the view that many people in commercial television have of educational children's programming.

[Videotape shown.]

Ms. MONTGOMERY. Our investigation revealed clear patterns in the production, scheduling, and promotion of so-called FCC shows. The most disturbing pattern was that these programs are routinely scheduled in marginal time slots when it is often impossible for children to see them. All producers and distributors that we interviewed reported serious problems with the scheduling of their shows. It is common practice for a station to put its "compliance" show on at 6 a.m. or even 5 a.m. just so we can tell the FCC it has a show.

Network series often found themselves on at either 11 a.m. or noon on Saturdays when, unfortunately, the network or affiliate stations are more likely to preempt them with sports. As a consequent, children are deprived of the opportunity to see the educational programs and the programs have difficulty building an audience.

The ABC series "City Kids" created by Henson Productions was a casualty of such scheduling. Debuting on the network in fall 1993, the show was shifted around in the schedule and repeatedly preempted by college football games. In February, it disappeared from the schedule altogether, officially in hiatus. Most viewers never knew it existed.

Our study also revealed some very troubling business practices which are making it almost impossible for educational and informational programming to gain entry and survive. As a consequence of the FCC's deregulation of children's television in 1984, most series in today's market are now part of a highly lucrative merchandising and licensing package with heavy financial and creative participation by major toy companies that manufacture and market licensed characters and other products related to the show. The series are, in effect, advertising vehicles for the licensed products, as many of those we interviewed frankly admitted.

Because toy companies depend on television to market their products, competition for access to the child viewer has become particularly fierce in recent years. As a result, in the syndication market it has become commonplace for these companies to use their substantial resources to strike elaborate deals with stations, especially those in the largest markets. Not only are these programs given free to the stations, but we were told that stations often demand additional payments of $1 million or more to get a program into the best time slot. These practices put educational and informational programs at a great disadvantage. They also raise disturbing questions about who is really setting the agenda for what America's children will see over the public airwaves. Predawn scheduling was the death knell for a number of series in our study.

The children's television marketplace today is not a level playing field for educational and informational entrants. It is because the powerful marketplace forces work against such programming that we need effective public policies to counter them.

Our study confirmed that regulation did have an impact on the market when broadcasters believed it might be enforced. Many people acknowledged that although the Children's Television Act took effect in October 1991, it wasn't until early 1993, in the wake of a national debate and threats of Government action, that the industry began to respond to the law and many shows are now on the air that otherwise would not be there. But we were also warned that if the pressure subsided business would return to normal and the market for educational and informational programs would likely dry up.

The current rules for implementing the Children's Television Act are clearly inadequate. If the Act is going to have a lasting and meaningful impact, the rules need to be clarified and strengthened. We hope the members of this committee will support the recommendations made to the FCC by more than a dozen education and child advocacy groups including the National PTA and the National Education Association.

I would like to just end my testimony by showing you a glimpse of some of the programs from our study.

[Videotape shown.]

Ms. MONTGOMERY. Thank you very much.

[Testimony resumes on p. 44.]

[The attachments to Ms. Montgomery's prepared statement follow:]

THE IMPACT OF THE CHILDREN'S TELEVISION ACT ON THE BROADCAST MARKET

by

Patricia Aufderheide, Ph.D.
Kathryn Montgomery, Ph.D.

EXECUTIVE SUMMARY

The study examined the response of the broadcast children's television market to the Children's Television Act. Its purpose was to identify the institutional, economic, and attitudinal barriers to successful implementation of the law's mandate for programming designed to educate and inform children. The research was based primarily on interviews with producers, distributors and network executives involved in the production and distribution of programming deemed by the television industry to qualify under the Act.

The study found discernible patterns in the production, scheduling and promotion of network and syndicated educational and informational programs. Marked by the TV industry as obligatory "FCC-friendly" or "compliance" shows, the programs are generally given budgets substantially lower than other children's programs, inadequately promoted, and shunted into pre-dawn hours when most children cannot see them, or into time slots where they would be routinely pre-empted by sports coverage. The treatment of such programs is particularly harsh in the syndicated market. Because of current business practices where entertainment program distributors agree to pay extra money to get their programs into desirable time slots, stations are frequently scheduling such programs as early as 5:00 or 5:30 A.M. As a consequence, much of the programming created in response to the Children's Television Act has found it almost impossible to gain entry and survive in the marketplace.

The study also found that threats of renewed enforcement of the law had a positive effect on the market, and thus regulation can be a countervailing force to the powerful economic and institutional forces that govern the business. The research suggests that the impact of recent regulatory pressure may be short-lived. To ensure the long-term viability of educational and information children's programming, the report urges the Federal Communications Commission to adopt clearer and stronger rules implementing the Children's Television Act.

THE CHILDREN'S TELEVISION ACT OF 1990: BACKGROUND

Studies have repeatedly documented a persistent failure in the commercial children's television market. A system designed to serve the needs of advertisers will not on its own generate adequate programming to serve the cognitive and emotional needs of children, especially those of discrete developmental age groups (Watkins, 1987; Aufderheide, 1989; Berry & Asamen, 1993).

Over the years, citizen activism and government oversight have helped to temper the forces of the marketplace (Cole & Oettinger, 1978; Liebert and Sprafkin, 1988). In the 70s, responding to Federal Communications Commission (FCC) petitions by Action for Children's Television and other citizen groups, the networks launched a number of television programs designed to educate and inform children -- ranging from weekly news series such as *30 Minutes* on CBS to magazine shows like NBC's *Hot Hero Sandwich*. After the FCC deregulated the TV industry in the early 80s, these programs disappeared from the schedules. In fact, as the children's television business boomed, the amount of educational and informational programming plummeted (Watkins, 365-7; Rushnell, 1990).

Child advocates, parents, and educators fought hard for a legislative remedy. In passing the Children's Television Act of 1990 (P.L. 101-437, Oct. 18, 1990), lawmakers expected to "increase the amount of educational and informational broadcast television programming available to children."[1] The mechanism for enforcement is the requirement that all TV stations must air such programming as a condition of license renewal.[2] However, initial surveys showed that the law -- which took effect in October 1991 -- was having very little impact on the television marketplace. A September 1992 analysis of license renewal applications by the Center for Media Education (CME) and Georgetown University Law Center revealed that television stations had made virtually no changes in their programming practices in response to the new law. Most were claiming educational value for entertainment fare such as *Bucky O'Hare* and *Leave It to Beaver* and routinely scheduling shows they considered educational and informational during pre-dawn hours (Center for Media Education, 1992).[3]

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[1] U.S. Rep. No. 227, 101st Cong., 1st Sess. 1 (1989).
[2] P.L. 101-437, Oct. 18, 1990.

The CME report garnered national publicity and triggered policy debate. The Federal Communications Commission subsequently conducted its own examination of license renewal applications, which confirmed many of the findings of the report. There appeared to be " little change in available programming that addresses the needs of the child audience," the Commission concluded. "The number of hours and time slots devoted to children's programming do not appear to have substantially changed" (FCC, 1993). In February 1993 the commission announced to the press that it was holding up the license renewals of seven TV stations, requesting additional information to document the stations were complying with the Children's Television Act (Halonen, 1993). On March 2, the FCC issued a Notice of Inquiry, asking whether it should revise implementation rules on the Children's Television Act (FCC, 1993).

At a Congressional oversight hearing on the Children's Television Act the following week, representatives from the broadcasting industry complained of a rush to judgment. "New innovative programming is costly and cannot be created overnight," explained Brooke Spectorsky, Vice President and General Manager of WUAB-TV in Cleveland. Syndicated programming was just becoming available, he noted, and stations were finally assuming the large risk of producing local programming, but the results were not in yet (Spectorsky, 1993, p.1 and passim).

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[3] A separate analysis of license renewals, conducted by Professor Dale Kunkel at the University of California, Santa Barbara, showed that a fifth of the 48 stations analyzed failed even to claim they were providing any programming specifically designed to meet the educational needs of children, as the law demanded. Of the rest, stations were claiming programs like *The Jetsons* as meeting the mandate. Only 4 produced any local children's programs, and more than half of those claiming to meet the mandate had Saturday programs only. (Kunkel, 1993b)

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STUDY METHOD

More than a year has passed since the hearing. The FCC's Notice of Inquiry is still pending. This study set out to examine what has happened in the period since CME's report was released. Rather than base our findings on the license renewal applications, we chose to take a more direct look this time at the children's television market. This is not an economic analysis, but an investigation based on a series of interviews primarily with people who have attempted to produce and/or distribute programming designed to comply with the new law. The study's purpose was to examine major trends in the market with particular emphasis on the barriers -- economic, institutional, attitudinal -- to successful implementation of the Children's Television Act.

The focus of the examination was on nationally-available series (not specials, interstitials, or local programs) that commercial broadcasters were using in 1993 and early 1994 to meet the requirements of the Act, both in broadcast syndication and on the networks, as self-described by producers and listed in special issues of *Broadcasting & Cable* (July 26, 1993) and *Electronic Media* (June 21, 1993). Producers and distributors of the programs were interviewed, as were executives at all networks, as well as several other experts within the industry. We spoke with some 50 people, mostly by telephone, between December, 1993 and May, 1994. The majority of individuals we approached willingly agreed to be interviewed, though a number of them would do so only if their comments were kept off the record.[4] We supplemented the interviews with data from trade publications and other available public information.

Many of the people to whom we spoke expressed deep frustration with their experiences in trying to respond to the mandate of the new law. They collectively described a situation where hopes for creativity and quality were first raised by passage of the Act and then quelled by prevailing attitudes and market conditions. Each had particular complaints, but combined they offer a picture of the problems plaguing the field.

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[4] Since a substantial minority of interviewees spoke off the record, a complete list is not provided here, but each on-the-record interviewee is cited, with date of telephone interview, in the text.

In order to place the findings from our interviews into context, it is important to look briefly at several recent key developments in the children's television marketplace during the past decade.

CHILDREN AS MARKET

Deregulation of children's television in the early 80s fundamentally changed the dynamics of the children's television broadcast market. When the FCC dropped its ban on program-length commercials for children in 1984, toy manufacturers immediately flooded the marketplace with TV series designed as merchandising vehicles for their toys. Programs based on "licensed characters" boomed, including *G.I. Joe* (Hasbro), *He Man* (Mattel) and *Care Bears* (Kenner) (Kunkel, 1988; Schneider, 1989). Sales of licensed products more than doubled, to $64.6 billion, between 1983-1989, with the motor being television (Cohen, 1991, 38; McNeal, 1992, 70). Toy industry profits as a whole soared from $5.3 billion in 1983, when the FCC first announced its intent to deregulate, to $8.3 billion in 1984, then maintaining that level (Kirk-Karos, 1992, 19). Four-fifths of toy sales now are of licensed products, mostly known from television (Schneider, 1989, p. 115). By 1987, toy manufacturers financed 80 percent of children's programming, most of it animation (Kirk-Karos, 1992, p. 3). Licensing continues to drive children's programming today, with product-related shows accounting for 90 percent of new production (Kline, 139).

The 80s also witnessed a sharp rise in children's programs produced for syndication. Unlike network series, which are distributed as part of a schedule of programs to affiliated stations, syndicated series are sold directly to individual stations or groups of stations. A tiny part of the children's TV market in the 70s, syndication grew phenomenally in the early 80s, fueled by the proliferation of independent stations, the growth in children's ad dollars, and the increasing role of toy companies in the production business. By 1986, the children's broadcast syndication market had become "a thriving, competitive phenomenon with scores of first-run animated shows" (Schneider, p. 186). Because syndicators distribute their programs to network affiliates as well as independent stations, they supply a substantial portion of the children's programming on broadcast television.

The direct spending power of children, almost all of it discretionary, also rose rapidly in the 1980s, increasing by nearly half between 1984 and 1989 (McNeal, 1992, p. 24). Children to age 12 now spend about $8.6 billion of their own money every year; teenagers spend $57 billion. The two age groups combined influence how their parents spend another $132 billion. Kids are one of the "hottest marketing trends of the 90s," a trend expected to continue well into the next decade (Oldenburg, 1993).

These trends have helped trigger a proliferation of media outlets and services aimed at capturing a segment of the "hot" children's market -- from the controversial classroom Channel One to the highly profitable Nickelodeon cable channel to the successful Fox Children's Network, launched in 1990 (Schmuckler, 1994).

Even during recessionary periods, when other parts of the schedule were not doing well, the children's "daypart" remained profitable, increasing by double digits throughout the 80s. Perhaps as much as $800 million is now spent on TV ads, mostly broadcast rather than cable, targeting kids alone (not families or parents) (Davis, 1994; Elliott, D5; Guber & Berry, p. 131; McClellan, 1993b; McNeal, p. 133).

The high-stakes nature of the children's television market has made it very intense and highly competitive. Most children's program expecting to make it on television must come in with a pre-sold merchandising deal. As Andy Spitzer, Sales Vice President and Director of US Distribution for Zodiac Entertainment, summed it up:

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"Children's programming is deal-driven rather than program-driven" (personal communication, March 14, 1994).

The following pages will document that the powerful forces of today's children's television marketplace have created significant obstacles to the production and distribution of educational and informational programming.

FINDINGS

1. After the passage of the Children's Television Act, broadcasters did little until citizen activism sparked media coverage and official expressions of concern.

Though the Children's Television Act took effect in October, 1991, it initially had little impact on practices in the broadcasting industry. Only a handful of new programs -- mostly for the syndication market -- were created in direct response to the new law during its first year of implementation. The broadcast networks made no significant changes in their children's schedules (CME, 1992; FCC, 1993). A major reason for such a weak response was that the Federal Communications Commission implemented the Act in a way that minimized its effectiveness and encouraged broadcasters to consider it lightly. The FCC loosely defined educational and informational programmingand made no stipulations on when programming must run or how much programming was necessary to meet the mandate (FCC 1991; FCC 1991b; Kunkel, 1993, 279-286).

Many producers, distributors and network executives interviewed for this study frankly acknowledged that it was not until early 1993, in the wake of a national debate and threats of government action that the industry began to respond to the law. As Robby London, Senior Vice President of Creative Affairs at DIC Enterprises, explained: "For the first two years of the Act, buying habits and patterns [at stations and networks] were not really affected. Then when the FCC suddenly decided to crack down, there was suddenly a response from local stations." London noted that his series, *Where on*

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Earth is Carmen Sandiego? -- based on a computer game and the successful PBS show -- had been in development for years, but "the show did not get on the air until after the Act started to get enforced" (personal communication, Jan. 14, 1994). Other producers who were working with the networks at the time believe that their projects were greenlighted because of renewed attention to the Children's Television Act.

Shortly after the 1993 Congressional hearings, the broadcast networks began announcing new series scheduled for the upcoming Fall which were designed to comply with the law. CBS picked up Beakman's *World*, a live action science program featuring performance artist Paul Zaloom as a zany scientist. The program had been introduced in the syndication market in response to the Children's Television Act and survived the ratings wars in its first season. ABC announced two new educational series: *Citykids*, a live action urban teen drama, which had been in development independently with Henson Productions in conjunction with the Citykids Foundation; and *Cro*, an animated show produced by Children's Television Workshop (CTW) (producers of *Sesame Street* and other PBS programs), about a Cro-Magnon man who works out his problems using scientific principles (McClellan, 1993).

The public debate in early 1993 over the Act also stimulated response from the syndication market. In late January, immediately following the inauguration of President Clinton, public officials both from the legislative and the executive side sent strong warnings of more diligent enforcement to broadcasters at trade conventions such as the Association of Independent Television Stations and at the National Association of Television Producers and Executives (NATPE) meetings (Wharton, 1993; Coe, 1993). Syndication producers such as *Energy Express'* Creator and Co-Executive Producer Marilynn Preston recalled the "sea change" in broadcasters' attitudes toward informational programming after the NATPE speeches (personal communication, Jan. 6, 1994). Reruns of cable and public television programs such as *Nick News* and *3-2-1-Contact* were snapped up by stations around the country in a hasty effort to protect themselves from possible license renewal challenges (Richard Loomis, personal communication, Jan. 18, 1994; Richard Mann, personal communication, Jan. 11, 1994).

The impact of the regulatory pressure on the market has been well documented in the trade press. *Electronic Media* reported in April 1993 that "Distributors have been quick to get involved with first-run kids educational series since the Federal Communications Commission made it clear it would strictly enforce the Children's Television Act." In announcing its new syndicated series, *Bill Nye the Science Guy*, Rich Frank, President of the Walt Disney Studios explained to reporters that "With Congress and the FCC putting such incredible pressure on the stations, it forced them to be on the lookout for something (educational) which now makes it possible for the economics to work out" (*Electronic Media*, April 26, 1993). "I doubt, frankly," CTW's Senior Vice President of Programming and Production, Frank Getchell, told *Variety*, " that *3-2-1 Contact* would be going into syndication if there was not this push from the FCC" (*Variety*, November 29, 1993).

A headline in *Broadcasting & Cable* for May 3, 1993 announced: "Stock rises for FCC-friendly kids fare; demand up for suitable children's programming to meet new Federal Communications Commission regulations." The following month *Electronic Media* listed some 77 "FCC-friendly" syndicated programs on the market.

But much of this seeming abundance was illusory. For instance, 15 of the syndicated entries listed in *Electronic Media* were BBC Lionheart offerings, mostly generic family programming, which the company never made an effort to promote (and, incidentally, never received any inquiries about as a result of listing them with *EM* [personal communication, Beth Clearfield, Jan. 13, 1994]). In several cases, such as action animation series *Exosquad* and *Biker Mice from Mars*, distributors later backed off from FCC-friendly claims. Eight programs were not actually in production or distribution, while eight were only in distribution in cable.

The terms "FCC friendly", "Compliance Show," and "Qualifier" were used repeatedly by those interviewed for this study and could be found in numerous trade publication stories as well as in ads promoting the programs touted as satisfying the requirements of the Children's Television Act. Such terminology appears to suggest that these programs have been reviewed by the Federal Communications Commission and given a kind of Good Housekeeping Seal of Approval, which of course is not the case. A number of people, particularly the producers of such programming, expressed frustration and discouragement at what they viewed as a cynical attitude reflected in the use of such labels. As one producer put it: "When the FCC got tough, suddenly, everybody began looking around for 'qualifiers.' All the stations and networks really want to do is satisfy the legal requirement. Meeting the spirit of the Act is of no concern to them." Echoed another: "They [the stations] were just quickly buying a show so they could say they had a show."

These suspicions seem to us to be well-founded. Indeed, clear patterns in the production, scheduling, and promotion of such programs began to emerge in our investigation.

2. There is a prevailing attitude in commercial television entertainment and education are mutually exclusive and that children will not watch programming which has been designed to educate.

ABC Children's Entertainment President Jennie Trias recounted a story also told in slightly different versions, by several other sources. During a focus group with children, she said, a young boy told her, "I go to school Monday through Friday. Saturday morning is my time" (personal communication, Jan. 21, 1994). Indeed, the story appears to have gained folklore status within the industry. "Let's face it," explained Judy Price, Vice President of Children's Programs and Daytime Specials for CBS, "kids go to school Monday through Friday. On Saturday morning they won't go to

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school again." [personal communication, March 30, 1994] Syndicator Howard France put it more bluntly. "The FCC is telling you you have to put boring TV on," he complained. "The primary focus has to be educational not entertaining. You know kids, they don't want to go to school all week. If they don't want to watch it, who's gonna make 'em? The government can't pass a law to make people watch shows" (personal communication, Jan. 6, 1994).

Allen Bohbot, President and CEO of Bohbot Communications, Inc. and one of the most powerful distributors of syndicated children's programming, believes that educational and entertaining are flatly incompatible. "Entertaining to me is what is successful with kids, what they like. And I can't find an example of an entertaining, educational show that's been successful, except for the preschool market." His company searched, he said, for an educational/informational program to include in a successful two-hour (four program) Sunday morning block, but could not find one that would succeed. "To put it in to make someone feel good isn't what it's about. You've got to deliver for the long run, so we went for action-oriented."

He believes that programmers are prisoners an ever-more-uncivil marketplace, responding to an ever-more-brutal society:

> People on my side of the desk say, kids go to school 9 to 3, they don't want to be educated when they come home. We keep pushing further and further, with MTV or action--what I call action, what some people call violence--and those are the shows kids watch.
>
> It scares the daylights out of me, not just what gets to the air but what succeeds. I think TV is mirroring what they see in their daily lives, and I think we kid ourselves if we ignore that.
> (personal communication, March 14, 1994)

Some producers argue that "prosocial" moments or behaviors make a show as educational as entertainment can get. For instance, Elie Dekel, Vice President of Marketing for Saban Entertainment, said, "*Mighty Morphin Power Rangers* is an action-

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intensive show. But these five teenagers who are superheroes are great role models, and they're doing great things. We're delivering programs that have positive messages" (personal communication, Jan. 7, 1994). At production house Ruby-Spears, President Joe Ruby says he has "put a lot of educational bites" into the popular *C.O.W.boys of Moo Mesa*. "We're basically in the business of doing entertainment," he pointed out. "We're not schoolteachers" (personal communication, Jan. 24, 1994).

Comments such as these reflect a mindset prevalent among many working in commercial television that is itself a barrier to effective implementation of the Children's Television Act. Explained Donna Mitroff, Vice President of Pittsburgh PBS station's QED West in Los Angeles: "We have overentertained children for so long that we have conditioned them to accept painless, mindless entertainment. Those of us who believe that you can entertain and educate have to accept the time it's going take to move the suppliers, the audience, the funders, and the advertisers (personal communication January 4, 1994).

There is a notable difference in the attitudes of those who have had considerable experience working in public television. They do not perceive education and entertainment in such dichotomous terms. These people also tended to more clearly specify their learning objectives. According to Marjorie Kalins, Group Vice President, Productions, for CTW, *Cro* is designed to attract children who would not choose to watch science, especially girls. "We're trying to stimulate them," she explained (personal communication, Jan. 10, 1994). *Bill Nye the Science Guy*, first developed by PBS station KCTS in Seattle, is specifically designed to educate fourth graders (9-11 years old), although Disney aims to make it appealing (but probably not educational) to a broader audience (John Van Camp, Buena Vista, personal communication, Jan. 6, 1994). Similarly,*Where on Earth Is Carmen Sandiego?* , which was adapted from a PBS series, aims to entertain 6-11 year olds, but focuses tightly on 8-10 year olds for its geography lessons (Robby London, personal communication, Jan. 14, 1994).

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3. Production and promotion budgets for so-called "FCC-friendly" programs are often substantially lower than those of most other children's television programming.

Educational and informational programs are typically low-budget. In the syndication market, many "FCC friendly" series are produced on a shoestring. In 1993, shows such as *Mental Soup*, *What's Up Network* and *Scratch* were being produced on $15,000-$50,000 budgets (Joe Benty, personal communication, Jan. 10, 1994; Kristi Boyer, personal communication, Jan. 5, 1994; Kent Takano, personal communication, Jan. 4, 1994). *Not Just News*, produced at broadcast station WTTG and carried by the Fox Station Group, had a $10,000-$15,000-per-episode budget (Glenn Dyer, personal communication, Jan. 14, 1994).

This is an astonishingly low figure. Action and animation shows, by contrast, typically have budgets that begin in the $200,000 range. Animated programs range between $200,000-400,000; *Mighty Morphin Power Rangers* is estimated to cost $350,000-400,000 (*Broadcsting*, Mar. 15, 1994). Even *Name Your Adventure*, a reality-based, educational program, has a budget over $100,000. (At that, the program has a lower budget than its educationally "softer" companion program *Saved by the Bell*.) But unlike syndicated programming, *Name Your Adventure* has network backing -- that is, a broadcaster's investment in its success (personal communication, Kerri Friedland, Jan. 10, 1994). Very low budget programs work under a crippling handicap, something the industry acknowledges when networks invest in programs they want to succeed.

Many producers also believe that their series do not have sufficient promotional budgets. Asked about his show's promotion budget, *Peppermint Place's* Host and Co-Producer, Jerry Haynes, cynically replied, "You're kidding" (personal communication, Jan. 4, 1994). Kerri Friedland, Executive Producer of the NBC series *Name Your Adventure*, expressed frustration with both the level of network support and the indifference of journalists who became crucial to success in the absence of adequate publicity and promotion budgets. "I think the network could have promoted it more, and the media could have paid more attention. Children's TV is almost a poor stepchild" (personal communication, Jan. 10, 1994). Turner Broadcasting's Jerry Krieg, Executive Producer of *Real News for Kids*, reported that many stations simply were not willing to promote the series on the air. "Even when we send them a fully made promo, they're not willing to air it," he complained. "But it's a catch 22 because they say it's on at 7:00 AM and it's not worth promoting" (personal communication, March 22, 1994).

Producers of two educational and informational series received public funding to supplement the limited budgets available to them for development, production, and promotion in commercial television. To cover research costs for the first season, *Cro*, the animated Children's Television Workshop series, whose budget is higher than most children's programming, according to producers, was awarded a $2.5 million grant from the National Science Foundation (Schatz, 1994). The NSF also awarded *Bill Nye the Science Guy* $1.379 million in 1993, to support production of the science program developed through public television and now part of a Disney program package (KCTS Television). Disney has committed $3.5 million for 26 episodes of the series, or $135,000 per half-hour show (*Electronic Media*, April 26, 1993).

4. There is a consistent pattern of scheduling which routinely places educational and informational programs in marginal time slots.

All producers and distributors of "FCC-friendly" series reported serious problems with the scheduling of their shows. In fact, this was one of the most frequently mentioned barriers to success cited by interviewees. Several patterns were evident: scheduling the programs during early morning hours -- sometimes as early as 5:00 AM; placing the shows in "pre-emptible" time slots, when stations frequently substituted sports or other programming; and moving the programs around in the schedule, thus making it difficult for viewers to find them.

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Stations typically put their educational and informational material into early morning hours on the Saturday schedule when many children--especially the tweens and teens to whom much new programming is addressed--are still sleeping. This pattern was particularly pronounced with syndicated programs, whose distributors found it almost impossible to get a decent time period. For example, with Grove TV's *Edison Twins*, "stations are running the show before the kids are even up," according to Steve Hodder, National Sales Manager for Grove TV (personal communication, Jan. 11, 1994). Richard Loomis, who distributes the Nickelodeon-produced series *Nick News* for broadcast television, told us that in a number of markets, the series is "buried in early morning Saturday and Sunday, 6-7:30 AM" (personal communication, Jan. 18, 1994).

An informal analysis of *TV Guide* magazines from the top five television markets last November illustrates how pervasive the scheduling problem is. For example, among the educational and informational series airing between 5:00 and 6:30 AM were *Energy Express*, *Not Just News*, *Real News for Kids*, *Scratch*, and *Nick News*. A separate analysis of the top 20 TV markets revealed that on weekdays, 44% of all "compliance shows" aired at 6:30 A.M. or earlier; of those 25% were on at either 5:00 or 5:30 A.M. Many producers and distributors were very disheartened by this practice. "We're up against broadcasters knowing they need [the show] versus giving it the time period it needs to get visibility and ratings."

Though less extreme, similar scheduling patterns are evident with network series. These series are often shuffled around in the schedule by either the network or the affiliates. They are also more likely than other shows in the Saturday lineup to be pre-empted by sports programming. NBC's *Name Your Adventure* airs at 8:00 AM in the crucial Los Angeles market. Though generally satisfied with the network's handling of the show's content, producer Kerri Friedland said: "I'm not happy with the scheduling, because we're a teen show. As a teen I didn't get up till 11." Though 92 percent of the affiliates air the show, explains Robin Schwartz, Manager of Saturday Morning and

Family Programs for NBC, "everyone airs it at different times." ABC's *Cro* has a similar scheduling problem. On most ABC stations it is shown at 7:00 AM, according to CTW's Marjorie Kalins. "The fact that anybody is watching it is amazing" (Personal communication, Jan. 10, 1994).

As several sources explained to us, any program on the Saturday schedule after 11:00 AM runs a very high risk of being pre-empted by network or regional sports programming. This is especially a problem for the West Coast. If the network carries a football game that begins at 2:00 in the afternoon on the East Coast, it will knock out all the regular children's shows after 11:00 AM on the West Coast. Typically, "FCC friendly" shows found themselves in this "pre-emptible time slot." The ABC series *Citykids* was a casualty of such scheduling. Debuting on the network in fall, 1993, the series was scheduled first at 11:30 on Saturdays. A few weeks later it was shifted to noon. Off the air for several months, it was put back on the schedule at 11:30 AM in early 1994. During its checkerboard run on the network, the show was repeatedly pre-empted by college football games. It finally disappeared from the schedule altogether in February, officially in "hiatus" according to networks executives (Schatz, 1994).

In its first season on CBS, *Beakman's World* has also suffered the vicissitudes of unfortunate scheduling. Stations reschedule *Beakman's World*, but most carry it at 12 noon (11:00 AM West Coast), where the potential audience is good but pre-emption is always a threat (personal communication, Linda Kazynski, CBS, Jan. 14, 1994). Between the beginning of December 1993 and the end of March 1994, the show was pre-empted on the West Coast 14 out of 17 weeks, due to sports programming, including CBS coverage of the Winter Olympics.

5. Current business practices -- especially in the syndication market -- have made it almost impossible for educational and informational programming to gain entry and survive in the marketplace.

Though many of the practices described to us by the respondents in this study have apparently gone on for years, we were told that they have intensified recently, creating significant barriers for new programming that does not conform to the highly successful formulas currently dominating the children's TV marketplace.

Most series in today's children's television market are part of a merchandising and licensing package, with heavy financial and creative participation by major toy companies that manufacture and market "licensed characters" and other products related to the show. The series are, in effect, advertising vehicles for the licensed products, as many of those we interviewed frankly admitted.

These elaborate merchandising packages can reap enormous profits. The most recent illustration is the highly popular *Mighty Morphin Power Rangers*, produced by Saban Entertainment for the Fox Children's Network. Toy licensee, Bandai Company (one of 40 companies with licensed products based on the show), grossed $25 million to $30 million in wholesale revenues last year, according to industry trades. Typically the series producers receive between 6 and 8% of the gross earnings. Stations carrying the show will also receive a percentage of merchandising revenues (Freeman, December 20, 1993).

None of these successful product sales would occur without the exposure to the child audience provided by television.

In the syndication market, with toy companies underwriting much of the production and promotion costs, television series are generally offered to stations on a "barter" basis. This means that the station gets the show free, along with half of the advertising time (usually between 2 1/2 to 3 1/2 minutes for a half-hour show) which it sells to local or national advertisers. The remainder of the time is sold by the distributor to national advertisers who generally need to reach between 75 and 80% of the country in order to participate. For the station, no outlay of cash is required, and the sale of its portion of ad time can generate considerable income. One of the interviewees informed us that many stations have no programming budgets at all for children's programs, since they can fill their schedules with free programming.

Because there is so much money to be made in merchandising and because toy companies depend on television to market their products, competition for access to the child viewer has become particularly fierce in recent years. As a result, it has become commonplace for toy companies to use their substantial resources to strike elaborate deals in order to guarantee a good time slot. In big cities such as New York, Chicago and Los Angeles, which are crucial for a national market, television stations often demand that in addition to the program, the toy manufacturer associated with a series spend a million or more dollars for advertising time on that station's overall schedule. "You need to have a program that's paid for, first, but then you also need further support, to get stations to clear [or carry] it," explained SQuire Rushnell, former Vice President of Children's Programming at ABC and now President of his own distribution company. "*Sonic the Hedgehog* doesn't make it because it's a good program. It makes it because Sega is willing to put in extra dollars for advertising and promotion. So if you're going, say, to a station in Chicago, the company has to be ready to put more advertising dollars into that market because otherwise, the station might go with a Hasbro-related program." Rushnell says that his company decided to leave the field because of the complexity of the dealmaking (personal communication, March 10, 1994).

In addition to demands for ad dollars, stations may insist on cash payments from the distributor to get a program scheduled during an advantageous time period. "It has become so competitive that people are doing everything to get their programs in a good time slot," explained Allen Bohbot. "If that means pledging advertising, if it means doing incentives, cash payments, whatever it takes, that's what you do. It's not a good practice, but it's reality" (personal communication, March 14, 1994).

These conditions are further compounded by the fact that there is very little room in the syndicated children's schedule anyway, with a few large distributors controlling

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most of the market. "Fox Kids' Network dominates the market," explained Robert Jennings, Vice President of Research and New Media Development for Warner Brothers. "Disney is the only other player with a significant hold on the five-day-a-week market." He also pointed out that with Paramount and Warner Brothers launching new networks of their own, there would be even less room on independent stations for other programmers (personal communication, Jan. 6, 1994).

These practices have placed almost insurmountable obstacles before the producers and distributors of educational and informational programs. One producer, who was only willing to speak off the record, bitterly related his experience with the children's syndication market. After agreeing to a million dollar ad time buying arrangement to get a good time slot on a TV station in a major market, he was approached halfway through the season by the same broadcaster, who demanded another half million to keep the show on the air. Unable to pay such a price, and deeply disturbed by the request, the producer decided to pull the show entirely. "It's ultimately blackmail and extortion," he charged, "and it's unconscionable."

Scheduling is a life and death matter, because national advertiser dollars depend on ratings, which are powerfully affected by time slots. The teen show *Scratch*, which had received a "Service to Children" award in 1992 from the National Association of Broadcasters, was a typical casualty of scheduling that reflected low priorities for educational and informational programming. It managed to clear 85 percent of the country, but went out of syndication in January 1994 because stations put the program on either very early or, less commonly, in the noontime pre-emption zone. The show couldn't make its teen rating guarantees.

"The stations all love the show, but they don't want to make the commitments," said Bob Muller, Scratch syndicator and President of Muller Media (personal communication, Jan. 5, 1994). "If 25 decent sized stations out of our 134 gave us a later time period, we and they would be very successful. There's nothing you can do. You're at their disposal." Producer Kent Takano, a survivor of two seasons and profoundly discouraged, said "We can't make it work because the stations don't comply with their whole heart. I work out of a station, so I understand the dollars and cents, but as a producer, sometimes you want to say, if you're going to treat the show like this why take it at all?" (personal communication, Jan. 4, 1994).

Other programmers of syndicated programs find cavalier station treatment of the programming both discouraging and financially devastating. *Peppermint Place's* Jerry Haynes noted that although 108 markets eventually took the live-action show for young children, stations usually placed it in early morning hours. "It was a gimme," he said. "They put it on in order to say, 'This is our children's show.'" *Peppermint Place* now reaches 10 markets, mostly through the station group where it is produced (personal communication, Jan. 4, 1994). Even on rock-bottom budgeting, *What's Up Network*, a Kansas City-produced 'tween reality show, is not financially viable, because placement discourages national advertisers. They are uninterested both because station clearances have not reached 80 percent and also because the show is placed at very early hours (Kristi Boyer, personal communication, Jan. 5, 1994). Another producer, describing why he refused to put his series on the market on a barter basis, said: "They stick it on in the 5:00 AM time slot to meet the FCC requirements, and then they don't deliver the ratings. They get something for nothing and we get screwed."

The fate of Turner Broadcasting's *Real News for Kids* dramatically illustrates how the brutal mechanisms of the syndicated marketplace, combined with half-hearted station compliance with FCC regulations, can doom a show to fail. A half-hour weekly news program developed in response to the Children's Television Act, *Real News for Kids* features children reporting on current news stories each week. The show is targeted to 8-13 year olds. To guarantee stations would carry the show, it was offered during its first year on a barter basis. Because stations were getting it for free, it cleared

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100% of the markets, enabling Turner to sell its portion of the commercial time to national advertisers.

However, because the other shows with lucrative merchandising deals were able to buy their way into the best time slots, *Real News for Kids* found itself relegated on many stations to the pre-dawn periods that were becoming the ghetto of so-called "FCC-friendly" shows. John Walden, Senior Vice President of Marketing and Sales at Turner Program Services, explained, "We're never going to be able to compete with money, so they are not our competitor. It would be like a fencer going up against a football player. They play a different game" (personal communication, April 1, 1994). Many stations didn't even try to sell the ad time they got with the free show, instead just running public service announcements. It was clear that they were treating it only as a regulatory obligation. Not surprisingly these marginal time slots failed to generate a sizable national audience and the advertisers who had bought time in the series for the first year were not interested in doing so for the second season (personal communication Jerry Krieg, April 21, 1994).

Without enough national advertisers to underwrite the show, distributors were forced to offer it on a "cash" basis the following year. This meant that stations would have to pay for the rights to air the show, but would then be able to sell all the ad time. Only half of the stations in the line-up would agree to pay money for the series and it was canceled effective September 1994 (personal communication Jerry Krieg, April 21, 1994).

6. The impact of government and public pressure on compliance with the Children's Television Act appears to have been short-lived.

By the late January 1994 NATPE, at least six of the syndicated shows among the 20 viable ones on *Electronic Media's* July listing had been withdrawn from the market. NATPE business in the remaining shows was wan (Anonymous, 1994; Charles

Sherman, National Association of Broadcasters, personal communication February 3, 1994) (Freeman, 1994c, p. 28). Only two "FCC-friendly" shows -- *3-2-1 Contact*, -- and the NBC-station-group *News for Kids* -- were featured in *Electronic Media's* reporting of the convention (*Electronic Media*, Jan. 31, 1994). "Major syndicators are only introducing five new educational series for Fall 1994," reported *Broadcasting & Cable*, "compared with nine such shows this time last year" (Freeman, 1994b).

The explanation offered by many in the industry is that these shows simply couldn't garner sufficient ratings to survive in the marketplace. The performance of many of the weekly syndicated programs, and some of the network shows, was poor. But as this report has documented, it should hardly be surprising that educational and informational fare, after a bold start at the beginning of 1993, made such a weak finish. It entered the market under a brutal financial and scheduling handicap, supported at the outset by the promise of regulatory vigor. The failure of most educational and informational programming demonstrates the weak commitment of broadcasters to such programming. The prevailing belief that "kids won't watch educational programs" has become a self-fulfilling prophecy. Broadcasters by and large made room in their schedules only at hours when most children were not yet awake or when sports programs regularly pre-empted them. They mostly invested little in programs, often accepting barter syndication deals by deal-hungry syndicators, and did virtually nothing to promote them. Networks, where a small handful of new, well-researched shows were developed, demonstrate the outer limits of broadcaster efforts.

7. However, regulation did have an effect on the market, when broadcasters believed it might be enforced.

It is clear that when regulatory commitment to the spirit of that legislation was demonstrated, the market responded. The controversy generated in early 1993 by children's and public interest organizations, followed by a flurry of government gestures, resulted in a dramatic network appetite for new production, a clutch of

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station-produced syndicated programming, and a dozen or so successful first-run syndication ventures.

Producers with a commitment to educational and informational children's television repeatedly emphasized the importance of regulation to their aspirations. For instance, Robby London at DIC hopes that further enforcement might make possible preschool programming that DIC has long wanted to do, but which broadcasters have always regarded as unprofitable because the age group has so little spending power. Joe Benty, producer of ill-fated teen live action show *Mental Soup*, believes that the Act helped the show get into the 65 percent of U.S. markets that it cleared before disappearing in July 1993. He was hoping for an early decision on the FCC Notice of Inquiry, and when no action was taken over the summer, "I think that really slowed things down. People felt they had a little while longer, and didn't really have to comply" (personal communication, Jan. 10, 1994).

The network announcements for the 1994 television season suggest that many of the patterns identified in this study are continuing. While NBC's *Name Your Adventure* is scheduled for 10:00 AM, the other networks have placed their Saturday morning "FCC friendly" programs in pre-emptible time slots, and have also put several of them at the same time. ABC's *Cro* will be on at noon, followed by the *ABC Weekend Special* at 12:30 PM; *Beakman's World* retains its noon slot, followed by *CBS Storybreak*. And Fox's *Where on Earth is Carmen Sandiego* will be on at 11:30 AM. (McClellan, April 11, 1994)

There is also some indication, however, that pending FCC action on the current Notice of Inquiry may be influencing programming decisions. One of the hopeful signs of the new season is Fox's recent announcement of a 5 day a week "stripped" series of half-hour children's programs. Entitled *Fox Cubhouse*, the series will air at 8:00 AM weekdays, and will feature three different programs: a twice-weekly nature program, co-produced by Henson Productions and a British company; *Johnson and Friends*," a coproduction of WQED and Film Australia; and a pre-school program from DIC, called *Rimba's Island*, focusing on music and movement (McClellan, April 11, 1994)

Fox is the first network to launch a daily children's program since passage of the Children's Television Act in 1990. The decision may well be related to Fox's recent move to expand its ownership stake into a number of stations now affiliated with the CBS network. Requests by Fox affiliates had influenced the network's earlier decision to launch *Where on Earth is Carmen Sandiego?*, according to Ann Knapp, Director of Programming for the Fox Children's Network. In deciding on the weekday children's educational series, Fox seemed to be anticipating a decision by the Federal Communications Commission to specify a daily or weekly programming minimum. "Six days a week -- at least a half hour a day -- of educational programming," Knapp noted. "We think that's what the FCC may very well require" (personal communication, Jan. 13, 1994.)

8. The FCC's implementation rules for the Children's Television Act must be strengthened and clarified in order to counter the powerful forces of the commercial television marketplace.

The children's television marketplace today is not a level playing field for educational and informational entrants. It is heavily skewed toward programs with licensed product possibilities, which can attract deep-pocket, usually toy-company investors. The million dollar deals that toy companies make to get their shows on at desirable time periods raise disturbing questions about who is really setting the agenda for what America's children will see over the public airwaves. It is because the powerful marketplace forces work against children, that we need effective public policies to counter them.

The current rules for implementing the Children's Television Act, which were issued in 1991, are clearly inadequate. If the Act is going to have a lasting and meaningful impact, the rules will need to be clarified and strengthened: stations should not be getting credit for token "FCC-friendly" programs that air at 5:00 A.M., the definition for what is educational or informational must be clarified, and a processing guideline of an hour a day of educational and informational programming must be instituted to ensure that all children will have access to a diversity of programming designed to meet their needs.

Just as deregulation in the early 80s significantly affected the children's marketplace, the Children's Television Act -- if given more force and clarity -- could alter the current dynamics of that marketplace in a way that will benefit children.

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Mr. MARKEY. Thank you, Ms. Montgomery, very much.

Our next witness, Linda Mancuso, is the vice president of children's and family programs for the NBC Television Network. Before coming to NBC, Ms. Mancuso was the managing producer of all public affairs programs for NBC's local station in Chicago.

We welcome you, Ms. Mancuso. Whenever you are ready, please begin.

STATEMENT OF LINDA MANCUSO

Ms. MANCUSO. Thank you.

As Congressman Markey said, I am the vice president of Saturday morning and family programs for NBC, so I oversee the development and production of our Saturday morning series and our prime time specials for the family audience.

I am here today to tell you what NBC has done since the implementation of the Children's Television Act and also to talk a little bit about what we are planning for the future, the future being the fall, just a few months from now.

When the Children's Television Act was adopted, NBC was already broadcasting "Saved by the Bell." This was a program that both the Congress and the FCC have acknowledged as treating topical problems and conflicts faced by teens in a manner that serves their unique educational and informational needs.

NBC looked around, and we noticed that our competitors' syndicated programs, the other networks, cable and PBS, were all serving the younger children, but no one was consistently offering programs targeted to teens, even though these kids watch many hours of TV and need programming specifically designed for them. As we have learned, teens can be greatly influenced by entertaining programs that present positive role models and deal with the issues they confront every day as adolescents. There are societal problems such as violence, drugs, alcohol, and racism, and their personal concerns like dating, sportsmanship, school exams, and family relationships.

So in 1992 NBC decided to build on the strength of "Saved by the Bell." We completely abandoned animated cartoons in favor of a 2-hour block of live action programs for what we feel is the most underserved segment of the television audience, teenagers.

In 1992 we also set and fulfilled another major goal for ourselves, to be the first network on the air with a weekly series designed specifically to fulfill the requirements of the Children's Television Act. We created a show called "Name Your Adventure." It has won many awards for us, and this is a show that asks teens from across the country to tell us what they are interested in, who their role models are, what they are curious about, and we make those dreams a reality by taking the teens on the adventure of their choice. We have sent kids to the U.S. Senate, to the White House, to rain forests, to movie sets, on archaeological digs, and to underwater marine labs. Our theme for this show is, learning can be an adventure. I am going to show you at the end of my testimony just a short clip of "Name Your Adventure."

But this year is the most important for us. This year NBC has made the ultimate commitment to both our affiliates and our audience. Starting this fall, every program on NBC's 2½ hours Saturday morning block will be specifically designed to serve the educational and informational needs of teens. Working with two expert educational consultants, NBC has put an elaborate process in place to ensure that every episode of every show will meet the requirements of the Act. For entertainment shows, this means not only socially relevant themes and issues but hard informational and educational issues will be addressed as well.

Our consultants work with our writers and producers on every phase of the development and production process. They make sure that the educational objective that they have set is an integral part of the story and character development, and we need to convey strong and clear messages to our teenagers.

Clearly, NBC and, I might say, the entire broadcasting community has come a long way since this Act was adopted. Personally, we have moved from a schedule that consisted mainly of cartoons to a 2½ hour block of high quality, live action programming specifically designed not only to entertain but to serve educational and informational needs of teenagers. We also supplement that with a wonderful series of PSA's very similar to the NBA spots you showed which are really terrific. That is called "The More You Know", and our most recent prime time efforts were an animated version of Charles Dickens's "David Copperfield" for the family audience, a major television event, as well as we were the first network to air Barney's network—Barney's first network home for his special.

NBC has really met the challenge of the new law with what I venture to say will be one of the highest levels of educational children's programming offered by any national programming service. We are proud both of our efforts and of their results. I would like you to please look at a small sample of our first qualifier, "Name Your Adventure" which is now entering its third season.

[Videotape shown.]

Ms. MANCUSO. Thank you.

[The prepared statement of Ms. Mancuso follows:]

TESTIMONY OF LINDA MANCUSO

Vice President, Saturday Morning and Family Programs
National Broadcasting Company, Inc.

My name is Linda Mancuso. I am the Vice President of Saturday Morning and Family Programs for NBC. I oversee the development and production of all NBC's children's programs on Saturday morning and the family specials in prime time. Before coming to the Network nine years ago, I was Managing Producer of all public affairs programs for NBC's local station in Chicago.

I am here today to tell you about what NBC has been doing for children since the implementation of the Children's Television Act, and what we plan to do in the future. I think you will agree that our commitment to providing children with quality educational and informational programming is genuine and has been steadily increasing.

When the Children's Television Act was adopted, SAVED BY THE BELL was already on NBC's schedule. This program is a live action comedy series specifically designed for teens that blends humor, adventure and positive social messages. In the course of adopting the Children's Television Act and implementing regulations, both Congress and the FCC acknowledged SAVED BY THE BELL as a program whose treatment of "topical problems and conflicts faced by teens" served the educational and informational needs of this segment of the child audience.

Over the five seasons it has been on NBC's schedule, SAVED BY THE BELL has become a franchise program that attracts teens in over 50 countries. Thousands of viewer letters each week tell us that the audience looks to our multi-cultural cast of characters as role models in their lives. This show has been given the Angel Award, Golden Eagle Award, Humanitas nominations, an Imagen nomination for positive portrayals of Latinos, and a citation from President Bush's Commission on the Handicapped.

SAVED BY THE BELL attracted a higher concentration of teens than any show on network television, whether on Saturday morning or prime time. We looked around and noticed that our competitors -- the other networks, syndication, PBS and cable -- were all providing programs for young children. But no one was consistently offering programs targeted to older children, even though these kids want and need programming created specifically for them. They watch a lot of television and, as we have learned, can be influenced in a positive way by entertaining programs that present positive role models and deal constructively with the issues confronting adolescents.

So, in 1992 NBC decided to build on the strength of SAVED BY THE BELL. We completely abandoned cartoons in favor of an entire block of live-action programs for the most underserved segment of the television audience -- teens. We believed we could create entertaining and informative shows that could provide this impressionable and vulnerable group of young people with programming that was entertaining, positive and informative.

Since 1992 was also the first year of the programming requirements of the Children's Television Act, we set another major goal for ourselves: to be the first network on the air with a weekly series designed specifically to fulfill the requirements of the new law.

Educational and informational programs for teens was uncharted territory, not only for the networks but for the children's television production community. NBC invested enormous amounts of time and resources in developing and testing different concepts that would educate as well as entertain teens. With the aid of educational consultants, social scientists and teenagers, we created NAME YOUR ADVENTURE. This show asks teens from across the country to write in and tell us what their aspirations are, who their role models are, and what they're curious about. NAME YOUR ADVENTURE then makes these dreams become a reality by taking a teen on the adventure of his or her choice. The adventures are used creatively to explore the educational, informational and pro-social dimensions of the teens' experiences. The program highlights principles of science, events related to history, the workings of government, the beauty of the arts and music, the uniqueness of nature, the achievement of personal goals, and the contributions of various individuals to American life. The series also tries to integrate into the content social messages related to the value of education, the importance of teamwork, the value of self-discipline and self-esteem, and the value of a healthy mind and body.

NAME YOUR ADVENTURE has won the National Educational Film and Vide Silver Apple Award and two Youth in Film Awards. It is endorsed by the National Education Association and has received letters of appreciation and commendation from Senators, the White House Press Department, the FBI, the U.S. Department of the Interior, numerous educators and social organizations. President Clinton praised the show in a press conference when a Vietnamese high school student went on her chosen "adventure" by spending the day in the White House with her role model, Dee Dee Myers.

Other adventurers have experienced being a paramedic, school principal, geologist, doctor, oceanographer, police officer, pilot, athlete, chef, film director, Navy Seal, orchestra conductor, Senator and FBI agent. We've sent kids to rain forests, glaciers, underwater marine labs, farms, caves and archeological digs. Our theme for NAME YOUR ADVENTURE is "learning can be an adventure."

Thus, by the start of the 1992-93 season, NBC had achieved both its goals: We were on the air with a live-action program block specifically targeted to teens that included a one-hour version of SAVED BY THE BELL, a program that had been cited by both Congress and the FCC. We were was also the first network to offer a weekly program that was specifically developed in response to the Act's requirement for educational and informational children's programs.

As we approach the upcoming season -- the third season of teen programs on NBC -- we have made the ultimate commitment to our affiliates and our audience. Starting this fall, virtually every program on NBC's Saturday morning programming block will be specifically designed to serve the educational and informational needs of teens. Our schedule will include two half hours of SAVED BY THE BELL, NAME YOUR ADVENTURE and another half hour live-action program called CALIFORNIA DREAMS. In addition, the NBA, which supplies NBC with a program called INSIDE STUFF, has informed us that starting this fall the show will also be designed to serve the educational and informational needs of the teen audience. Thus, NBC will be able to furnish its affiliates with two and a half hours of educational programming for teens during the 1994-95 season.

CALIFORNIA DREAMS is created and supervised by Peter Engel, who is also responsible for SAVED BY THE BELL. In the past, these three live-action half hours have dealt with such issues of concern to teens as drugs, drunk driving, death, racism, divorce and physical handicap. For the upcoming season, we plan to produce episodes on steroid use, eating disorders, blood drives and non-violent resolution of conflict (using the "Squash It" theme). We will also continue to realize how much importance our teen audience attaches to such issues as sibling relationships, final exams, sportsmanship, jobs, jealousy, lying and dating. Our research also shows us that enveloping these issues in good-spirited comedy with relatable characters is a very powerful way to impart information and positive messages to our target audience.

From its inception, NAME YOUR ADVENTURE has been supervised by Dr. Gordon Berry, a graduate professor at UCLA and author of many works on children, their values and the effects of television. Dr. Berry's role is to ensure that every segment of the program has an articulated curriculum goal and that the goal is fulfilled throughout the program development and production process. This process has worked so well in terms of ensuring the educational and informational content of NAME YOUR ADVENTURE, we decided to apply it to the balance of the schedule as part of our commitment to make the entire Saturday morning teen block educational and informational this Fall.

NBC has employed Dr. Karen Hill-Scott as an educational consultant to our comedies to ensure that SAVED BY THE BELL continues in the strong tradition of quality educational programming recognized by Congress and the FCC, and that CALIFORNIA DREAMS follows in that tradition. Dr. Scott is an Adjunct Professor at UCLA and has her own child development consulting firm. She has worked on children's television productions for 15 years.

NBC and Dr. Scott have put an elaborate process in place to ensure that every episode of our comedies will be designed to serve the educational and information needs of teens. First, Dr. Scott holds briefings with our writer/producers before any stories are developed to discuss the prerequisites of educational content. Second, working with the show's creative staff, an overall educational objective for each series is developed. Written educational objectives are then designed for every episode. She then reviews concept outlines and scripts, giving the writers detailed notes and suggestions. Dr. Scott consults on every step of the production process to ensure that the objectives are met through strong, clear messages appropriate to teenagers. This process is documented and each episode is reviewed at its completion.

In summary, NBC has committed to make educational and informational material an integral part of the theme, story line and character development of each episode of our teen-oriented comedies. And we are fulfilling that commitment through a detailed and painstaking process that relies on expert educational consultants who work with us on every phase of program development and production. Clearly, NBC has come a long way since the Children's Television Act was adopted: from a schedule that consisted mainly of cartoons to a two and a half hour block of

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live-action programming specifically designed not only to entertain, but to serve the educational and informational needs of teenagers.

NBC is also committed to Family Specials in prime time, when many teens and younger children watch television. Most recently, we aired Barney's first network special and an animated version of Charles Dickens' DAVID COPPERFIELD.

NBC also serves children through our major public service campaign, THE MORE YOU KNOW. These spots, which feature popular talent on NBC programs, run during our teen block and at other times when young people are in the audience. The spots deal with such issues as non-violent resolution of conflict, substance abuse and education. NBC is also broadcasting the Ad Council anti-violence PSA campaign featuring President Clinton.

In conclusion, NBC has met the challenge of the Children's Television Act to increase the quantity of educational and informational children's programming. We serve an important segment of the audience, teens, which is often ignored by our competitors. We provide our teen viewers with high quality, live-action programs: The acclaimed SAVED BY THE BELL will be starting its sixth season this fall. NBC was the first network to offer a weekly program specifically designed to fulfill the requirements of the new Act. And next season, with the help of two expert educational consultants, NBC will have what I venture to say will be one of the highest levels of educational and informational children's programming offered by any network or other national programming service. We are proud of both our efforts and their results, and hope you will agree they fulfill both the letter and spirit of the Children's Television Act.

Mr. MARKEY. OK. Thank you very much, Ms. Mancuso.

Our next witness is Linda Cochran, who is the vice president and general manager of WSYT-TV in Syracuse, New York. Ms. Cochran serves on the board of directors of the Association of Independent Television Stations and is here today on their behalf.

We welcome you.

STATEMENT OF LINDA COCHRAN

Ms. COCHRAN. Thank you, Mr. Chairman.

Independent television stations supported the 1990 Children's Act and share your goal to provide this Nation's children with quality informational and educational television.

Last year INTV observed that the market for children's educational and informational programming was progressing. We noted the importance of providing educational programming that children will watch. We have made significant strides. My station is typical. In the first quarter of 1994, my station broadcast eight regularly scheduled half-hour programs directed at meeting the educational and informational needs of children.

On weekdays I broadcast "Xuxa", "Romper Room", and "Animaniacs", an education an animated show with educational messages throughout the program. The weekends include the "What's Up Network", "Pick Your Brain", "Where in the World is Carmen Sandiego", "Adventures in Wonderland", and "Bill Nye: The Science Guy." Compare this to only one show that was presented during the first quarter of 1990.

Educational specials are an important component of our broadcast schedule. We recently broadcast "Hollywood Gets Mad", a teen special dealing with drinking. Last year we broadcast several specials. "Face the Hate" was an hour special dealing with racism. This aired twice. It was followed by a locally produced special, "Under the Anger: Racism is more than skin deep", which examined racism in our school. I have a very brief clip of that.

[Videotape shown.]

Ms. COCHRAN. Last fall, we produced and broadcast a follow-up special, "Under the anger, youth violence: Today's problem, tomorrow's crisis." WSYT broadcasts a full complement of short segment programs during our regularly scheduled kids' block. Our "Felix says" segments use the station's mascot to give kids and safety and health tips. Our "Kids Club Minutes" segments give local students the opportunity to appear on camera, expressing their ideas about drugs, the environment, health, and safety.

Beginning this year, we will produce a 5-minute short segment on Saturday mornings using local students, our "Kids Club" crew. The crew will also do short segment messages that will air during our weekday children's programming.

My station is not unique. The syndication market has responded. Using this very conservative definition of educational programming, the number of educational and information programs has increased dramatically, as you can see by the chart at my left. During the 1990 November sweeps, these educational and informational programs had 576 clearances on television stations. By November of 1993, these program clearances numbered 1,746.

New syndicated children's programs are being produced. For example, "The Adventures of Blinky Bill" has been sold to 121 television stations reaching over 87 percent of all television households. This show has been endorsed by the NEA.

In addition, a survey conducted by INTV reveals that during the first quarter of 1994 independent stations on average broadcast four regularly scheduled half-hour programs that meet the educational and informational needs of children. Because some of these shows are broadcast 5 times a week, this corresponds to an average of 4½ hours of regularly scheduled programming per week. Moreover, children's educational specials increased from 19.5 hours in the first quarter of 1990 to 63.5 hours in the first quarter of 1994.

It is worth noting that none of the responding stations considered shows such as the Flintstones or the Jetsons as meeting their programming requirements.

Mr. Chairman, I recognize the desire to impose strict quantitative standards. However, we must not trade quality for quantity. Unrealistically high quantity requirements will force stations to broadcast shows that children simply will not watch. Children will merely shift to cable networks that are not governed by the Act. Today the basic cable networks get the lion's share of the kids audience.

Also, rules focusing solely on the intent of the program's producer are misplaced. The key is to entertain and inform. They are not mutually exclusive concepts. Mr. Chairman, independent television stations want to do their part. I look forward to answering any questions that you may have.

[Testimony resumes on p. 76.]

[The prepared statement of Ms. Cochran follows:]

The Testimony of

LINDA COCHRAN

VICE PRESIDENT & GENERAL MANAGER
WSYT-TV CHANNEL 68
SYRACUSE, NY

Good morning Mr. Chairman and members of the House Subcommittee on Telecommunications and Finance. My name is Linda Cochran, and I am vice president and general manager of WSYT-TV, Syracuse, New York and serve on the board of directors of the Association of Independent Television Stations, Inc. (INTV). On behalf of my station and the Independent television industry, I appreciate the opportunity to discuss the status of children's television programming.

Last year INTV testified before this subcommittee and detailed the development of new children's educational and informational shows. At that time, we noted that the market for this type of informational and educational programming was just beginning to develop. We urged the subcommittee to give the market a chance to produce popular programs that would meet the educational and informational needs of children. We noted that the public interest would not be served by forcing shows on the air that children will not watch. We predicted that the production community would create shows that are both educational and entertaining for children. Today, I am happy to report that since the enactment of the 1990 Children's Television Act, the amount of children's educational and informational programs has increased significantly.

I. WSYT'S PROGRAMMING DEMONSTRATES THAT INDEPENDENT TELEVISION STATIONS ARE MEETING THEIR CHILDREN'S PROGRAMMING RESPONSIBILITIES.

My station serves as a typical example of how the Children's Television Act is working. The amount and quality of children's educational and information programming has increased in terms of network programming, syndicated programming and locally produced programming.

In the first quarter of 1990, over a year before the Children's Act went into effect, my station was broadcasting essentially one regularly scheduled children's program. At that time, WSYT broadcast "Muppet Babies," a program aimed at pre-school aged children at 3:30 PM -- Monday through Friday. During this quarter, we also broadcast the anti-drug special, "Cartoon All Stars to the Rescue" at 10:30 AM on Saturday and at 8:30 AM on Sunday. As a station manager I wanted to do more. However, there simply was not enough quality product available on the market that would attract an audience.

By the Fall of 1991, the number of children's informational and educational programs more than doubled on my station. On weekday mornings we broadcast "Widget" at 6:30 AM, a program designed to educate children to environmental issues and "Muppet Babies" at 8:00 AM. On weekends we broadcast another environmentally oriented program, "Toxic Crusaders" at 7:00 AM, and "Bobby's World" at 8:30 AM, a program focusing on family life viewed through the eyes of a four-year old.

We also presented a locally produced show called "Back on the Block" which was designed to address the problems of young teenagers. The program aired every Sunday morning at 11:30 AM. The show discussed such topics as sexually transmitted diseases, teenage suicide, prejudice, sex for drugs, dealing with the death of someone close to you, drugs in the community, self esteem and how to handle a job interview. Producing this show taxed the resources of the station. We broadcast the show, in part, because the market for quality children's educational and informational programs had not yet fully developed and we felt a responsibility to provide local children's programming.

In addition, WSYT broadcast 43 different public service announcements specifically directed at children during the fall of 1991. The announcements covered a variety of topics including: staying in school; the importance of reading; kids shouldn't drink; school bus safety; bicycle safety; and avoiding drugs.

Throughout 1992, we continued to broadcast our regularly scheduled children's programs including "Widget," "Muppet Babies," "Toxic Crusaders," "Bobby's World" and "Back on the Block." During this time, we continued to broadcast, on average, over 60 separate public service announcements and short segment programs per quarter that were specifically directed at children. Each public service announcement and short segment program received multiple broadcasts. In addition, we programmed numerous children's specials. In January, we broadcast the

"G.I. Joe Anti-Drug Special." In September and October of 1992, we broadcast "Rock the Vote," an MTV style special to impress upon older teens the importance of exercising their right to vote. WSYT also broadcast "Ghostwriter," a program designed by public television to promote reading and writing. On October 17, 1992, we broadcast "A Kids Guide to Parenting," which discusses real-life issues confronting teens and their parents.

Last year, 1993, was a watershed year for children's educational and informational programming. New product entered the market. By the Fall, WSYT was broadcasting seven programs designed to meet the educational and informational needs of children. On weekdays we broadcast "Romper Room" at 2:00 PM, "Widget" at 5:30 AM and "XUXA" at 9:00 AM.

WSYT's weekend schedule included four regularly scheduled programs. Beginning at 7:30 AM we aired the "What's Up Network," winner of the Parents Choice Gold Award. "Bobby's World" was broadcast at 8:30 AM. On Sundays, Disney's new educational program "Adventures in Wonderland" was broadcast at 7:00 AM and "Bill Nye: The Science Guy" was broadcast at 7:30 AM.

WSYT continued its efforts to broadcast specials for kids and teens. On two separate occasions, June 7, 1993 at 8 PM and Saturday, June 12, we broadcast an hour long special, "Face the Hate," which took a hard look at racism and its causes. WSYT followed the June 7, 1994 special with its own locally produced half hour prime-time special at 9 PM called, "Under the Anger: Racism is More Than Skin Deep." This show was directed at teenagers and focused on racial intolerance as it exists in the streets, at school, and in employment. In September, we broadcast a locally produced program dealing with youth violence entitled "Under the Anger: Youth Violence, Today's Problem -- Tomorrow's Crisis."

In the first quarter of 1994, we broadcast eight children's programs directed at their educational and informational needs. Every weekday, we broadcast "XUXA" at 9 AM, "Romper Room" at 2 PM and "Animaniacs" at 4 PM. On Saturday, my station broadcasts "Pick Your Brain" at 6 AM, the "What's Up Network" at 7:30 AM and "Where in the World is Carmen Sandiego" at 11:30 AM. On Sundays, WSYT airs "Adventures in Wonderland" at 7 AM and "Bill Nye the Science Guy" at 7:30 AM. In addition to regularly scheduled programming, we broadcast a special involving Mothers Against Drunk Driving entitled "Hollywood Gets M.A.D.D." on Friday at 10:30 PM.

Also, we continue to broadcast our full compliment of educational and informational public service announcements and locally produced short segment programs. For example, we broadcast a series of short segment messages called "Felix Says," which run during our weekday morning and afternoon children's programming. Felix, the station's mascot, gives tips on issues such as bike safety, baby sitting, how to cross the street safely and what to do in the case of a fire.

Beginning this year we have commenced broadcasting the "Kids Club Minute." This short segment program is produced in conjunction with local schools. Students write one minute essays on topics they believe are important. The essays cover issues such as recycling, staying off drugs, whales, the environment, how to study and safety tips. The students then come to the studio and are taped for broadcast. These segments air twice each day during our morning and afternoon children's programs.

WSYT is in the process of developing a new short segment program called "Kids Club Crew." Students from the local area serve as hosts. The "Crew" will visit places of local educational interest such as the zoo, museums and the ball park. The show will have the students ask questions from a "kid's" perspective. At this point in time, we plan to broadcast this program in five minute segments during the "What's Up Network" show on Saturday mornings. Also, we plan to use "Kids Club Crew" segments as "wrap arounds" during our weekday children's programming.

In summary, WSYT has dramatically increased its programming since 1990. At that time, we had only one regularly scheduled children's program that was directed at the educational and informational needs of children. By 1994, the number of these programs increased eight fold. Also, the overwhelming majority of these programs are being broadcast after 7 AM. We will continue to broadcast and produce specials addressing specific topics for kids and teens. Moreover, my station will continue to broadcast short segment programs for children.

I am proud of WSYT's commitment to children's educational and informational programming. My station is not unique. There has been a steady increase in the amount of children's educational and informational programming appearing on almost all Independent television stations.

II. THE SYNDICATION MARKET IS WORKING

As a Fox affiliate, WSYT is fortunate to have programs, such as "Where in the World is Carmen Sandiego" that are supplied by the Fox network. However, another important source of educational and informational programming is the syndication market. Indeed, for non-Fox affiliated Independent stations, the syndication market is extremely important.

As with most programming ventures, some programs are successful in the marketplace while others are not. The syndication market for children's educational and informational programming is no exception. Despite the ups and downs of particular programs, there has been a steady increase in the overall amount of children's educational and informational programming that is available for stations to purchase. A recent analysis of the children's syndication market conducted by INTV supports this conclusion.[1]

According to INTV's conservative syndication analysis, the number of educational and informational shows "cleared" has more than tripled since 1990.[7] INTV identified eight shows that together were "cleared" on 576 stations during the 1990 November sweeps period. By November, 1993, there were 19 such shows "cleared" on 1,746 television stations.

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[1] INTV's analysis is attached to this testimony as Exhibit A.

These statistics underestimate the total number of hours of children's programs that are available in syndication. The analysis lists each program individually. However, some programs, such as "Captain Planet," and "Widget" are broadcast five times a week. Accordingly, in terms of hours of programming, the number of programs available to America's children is even greater than indicated in the analysis.

Moreover, this is a very conservative estimate of children's educational and informational programs. There are numerous programs, which both the Congress and FCC would consider to be educational and informational, that are not included in the analysis. The purpose of the study was to focus on the types of shows that everyone agrees-are educational and informational programs.[1]

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[7] For example, "Adventures in Wonderland" was cleared by television stations in 151 markets during November 1993 sweeps period. "Bill Nye: The Science Guy" was cleared by television stations in 183 markets. Programs are generally sold to one station per market. Accordingly, 151 television stations were broadcasting "Adventures in Wonderland" and 183 television stations were broadcasting "Bill Nye." It is possible, however, that a single television station in a particular market purchased both programs. Nevertheless, both programs were broadcast on one or more stations in any particular market. Accordingly, analyzing market clearances or "exposures" provides an accurate indication of the availability of such programming to children in each market.

Syndicated programs can be sold to all stations, both affiliated and non-affiliated. An examination of Independent stations demonstrates that the number of children's educational and informational syndicated programming has increased significantly. In 1990, the programs surveyed received 219 broadcast exposures on Independent stations. In November of 1993, the number of broadcast exposures on Independent stations tripled, amounting to 724 clearances.

The growth in the number of stations clearing these programs represents an increase not only in the quantity of programs, but the quality as well. Programs such as "Adventures in Wonderland" and "Bill Nye the Science Guy" were simply not available until 1993.

Moreover, the syndication market is producing additional educational and informational programming for the 1994 season. One of the more popular offerings is "The Adventures of Blinky Bill." This program has been recommended by the National Education Association which stated, "This program introduces new concepts and themes to the young in a manner that makes learning enjoyable." Twenty six half-hour episodes have been produced. The program has already been sold to 123 television stations, reaching 87.9 percent of all U.S. television households.

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[1] Accordingly, this analysis underestimates the amount of children's educational and informational programs that are available in the syndication market. For example, traditional programs such as the "Care Bears" and "Winnie the Pooh" which clearly serve the informational needs of younger, pre-school children are not included in the analysis. INTV's purpose was to focus on an illustrative list of educational children's programs that both sides of the debate would agree are either educational or informational. INTV does not believe, nor does it imply, that syndicated shows not listed do not meet the educational and informational requirements of the 1990 Children's Television Act.

III. STATION SURVEYS DOCUMENT AN INCREASE IN CHILDREN'S EDUCATIONAL AND INFORMATIONAL PROGRAMS.

In addition to its analysis of the syndication market, INTV surveyed 100 of its member stations; receiving 70 responses. The survey compared the amount of children's educational and informational programs broadcast during the first quarter of 1990 and the first quarter of 1994. The survey included all children's educational and informational programs, both syndicated shows and locally produced shows. Because INTV's membership includes Fox affiliated stations, the survey also included children's programs appearing on the Fox network.

The survey asked stations to list programs that they believed served the educational and informational needs of children. Looking at the responses for 1994, not one survey attempted to list the "Jetsons," the "Flintstones" or similar children's shows as programming designed to meet the educational and informational needs of children. Accordingly, concerns raised before the subcommittee last year that broadcasters were attempting to rely solely on such programming to meet their obligations under the 1990 Children's Television Act are misplaced. Television stations have a clear understanding of their obligations.

For regularly scheduled half-hour programs, the stations surveyed broadcast 322 programs per week during the first quarter of 1994. On average, Independent stations are broadcasting approximately four regularly scheduled half-hour educational and informational programs per week. In 1990, stations averaged less than one educational or informational program per week. Looking at the time in which these programs were broadcast, approximately 80 percent of these shows were broadcast after 7 AM during the first quarter of 1994.

Analyzing programs underestimates the total hours of children's educational and informational programming that was available during the first quarter of 1994. Some programs are broadcast once a week on the weekends, while others appear five times during the week. When this fact is taken into account, Independent stations averaged over four and one half hours of regularly scheduled children's educational and informational programs per week during the first quarter of 1994.

Apart from regularly scheduled programs, Independent stations have also increased the number of children's educational specials. In the first quarter of 1990, Independent stations broadcast 19.5 hours of children's educational specials. In the first quarter of 1994, Independent stations broadcast 63.5 hours of children's educational and informational specials. The overwhelming majority of these specials occurred on the weekends between 11 AM and 5 PM.

Independent stations are meeting their obligations not only by purchasing syndicated programs, but also by producing local programs designed to meet the educational and informational needs of children. In fact, locally produced children's specials are commonplace in the Independent television industry. Some examples of locally produced children's specials are:

"Family 2 Family"-- KTVU, Oakland
"Kidstuff Connection"-- WZTV, Nashville
"Focus 21: Smart Kids Safe Kids"-- WHNS, Greenville
"The Color Thing,"-- WGNO, New Orleans
"Talk It Out" and "Lean on Me"-- WFXT, Boston
"Kids Wanna Know"-- KTXL, Sacramento
"Kids Land Specials"-- WUAB, Cleveland
"For Kids Only"-- WVAH, Hurricane, West Virginia
"39th Street"-- WDZL, Miami
"Kids Like You"-- WRGT, Dayton
"Flash Factory" and "Fit to be Kids"-- WBFS, Miami
"The Cosmic Challenge"-- WGN, Chicago
"A+ For Kids"--WWOR, Secaucus, New Jersey

This list in no way exhausts the number of locally produced children's specials appearing on Independent television stations. It merely provides an illustrative list of the types of programming available to children in today's marketplace.

In addition to specials, stations are beginning to develop regularly scheduled children's programs. For example, KCOP in Los Angeles broadcasts "LA Kids" every week. WPTY in Memphis broadcasts the "Joe Cool Show." KPTV in Portland airs the teen oriented show "Smith's High 5" every Saturday morning.

The development of these shows at the local level serves as a test market for distributing the shows nationally. For example, KSAS developed "Jake's Attic" which was placed in national syndication. Another example is WGN's "Energy Express."

Finally, the surveys reveal that stations are broadcasting literally thousands of educational or informational public service announcements and short segment programs. These educational vignettes are appearing throughout local Kid's Club programs, afternoon children's programs and on weekend mornings. These messages should not be underestimated. The entire advertising industry is based on transmitting multiple short-segment messages. The effectiveness of this method in reaching children is beyond dispute. Accordingly, it makes sense to employ similar techniques to distribute educational and informational messages to children.

IV. REGULATORY RESPONSES AND PUBLIC POLICY

The Federal Communications Commission has a pending proceeding examining the industry's implementation of the 1990 Children's Television Act. We all share the same goal -- providing educational and informational programming to our nation's children. Nevertheless, the government cannot ignore the commercial realities of the marketplace. Indeed, commercial realities are predicated on the viewing patterns of the children themselves.

The economic realities of the television business and the goals of the framers of the Children's Television Act are not mutually exclusive. We all want to see a variety of educational children's programming that kids want to watch. From a public policy perspective, it makes little sense to force programming on the air that will not be viewed by children. Regardless of the educational content of a program, it will have little or no influence on America's children if no one watches it.

While the 1990 Children's Television Act focuses on broadcast television stations, it is important to note that we are not the only video provider in the market. In cable households, children have the option of watching a variety of cable networks. According to the Cable Advertising Bureau, basic cable networks receive a combined viewing share of 68 percent for children ages 2-11. The broadcast networks receive an 18 percent share and syndicated programs receive a 14 percent share.[4] What this means is that if we broadcast an unpopular children's program, the children themselves will switch to cable networks.

When viewed in this context, the government must be careful when crafting additional children's television regulations. At the present time, two fundamental issues are before the Federal Communications Commission: 1) whether additional quantitative standards should be enacted and 2) whether rules should be adopted narrowing the definition of programming that is designed to meet children's educational and informational needs.

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[4] Communications Daily, November, 7, 1993; citing data compiled by the Cable Advertising Bureau and MTV. See Appendix B attached.

As to the quantitative issue, INTV questions whether an "hour-a-day" requirement would serve the public interest. The program market is producing a number of good quality children's programs. However, we have not reached the point where these programs can be "stripped" and shown on a daily basis. There is no doubt that if such regulations were enacted, stations would scramble to meet the requirement. However, this means putting on any educational show, regardless of its popularity with children. The first thing you will see is that viewing for these shows would be extremely low. Stations will lose vitally important revenues that could have been used to purchase top quality educational shows that would be watched by children. Quality children's programming is expensive. For example, when "Beakman's World" was first marketed to Independent stations it cost over $200,000 per episode. Simply stated, if mandated quantitative standards are set unrealistically high you end up trading quality for quantity.

Such an approach would not serve the public interest. It makes little sense for the government to force broadcasters to air programs children will not watch. What educational value is there in having children change channels?

The second area of concern is whether a stricter definition of children's educational and informational programming should be adopted. I believe that stations and programmers should be given the flexibility to explore formats that achieve the statute's goals while at the same time attracting audiences and advertiser support. My fear is that programmers will feel too restricted if the government's definition focuses solely on whether the program's primary intent is to educate and inform. Many of the larger program producers may feel that, in order to qualify under the definition, a program will have to forego much of its entertainment value. Program producers, be they syndicators or networks, are in the business of producing entertainment programming. Their programs need to attract audiences in order to be economically viable. If restrictive definitions are enacted, particularly rules which focus on the intent of the program's producer, program suppliers may simply move on to other, perhaps more lucrative, projects. Remember, no one forces a production company to produce educational or informational programs for children.

Moreover, a government rule focusing on a program's primary "intent" misses the point. Does it really matter whether the program's purpose was to educate as opposed to entertain? The real issue is whether the program in fact educates, informs, and entertains. It is the final product that counts, not the intent of the program producer.

The 1990 Children's Television Act, as presently drafted, has led to a dramatic increase in quality educational and informational programming for children. This has been accomplished without strict quantitative standards and without an overly strict definition of what is educational and informational programming. The Act has worked, leading to levels of programming unheard of in 1990.

Nevertheless, INTV recognizes that the government may desire to be more explicit in its expectations of licensees' behavior. Such a policy would help the good broadcaster protect its license from challenges based on uncertain standards. It will also provide guidance to the few remaining broadcasters who simply "do not get it."

To this end, INTV has proposed that the Federal Communications Commission issue a policy statement concerning children's programming. According to the proposal, any television station which broadcasts during its license term two hours of programming which responds to the educational and informational needs of children per week on average shall be considered to have complied with the programming requirements of the 1990 Children's Television Act.

Under this proposal, at least one of the two hours would have to be standard-length "core" programming designed to serve the educational and informational needs of children. The second hour could include short-segment programming or other programming which serves the informational or educational needs of children.

INTV's proposal, thus, is for a "safe harbor" approach which would clarify the government's expectations. At the same time, stations still could elect to satisfy the programming obligations of the Act in other ways. However, stations opting for such an

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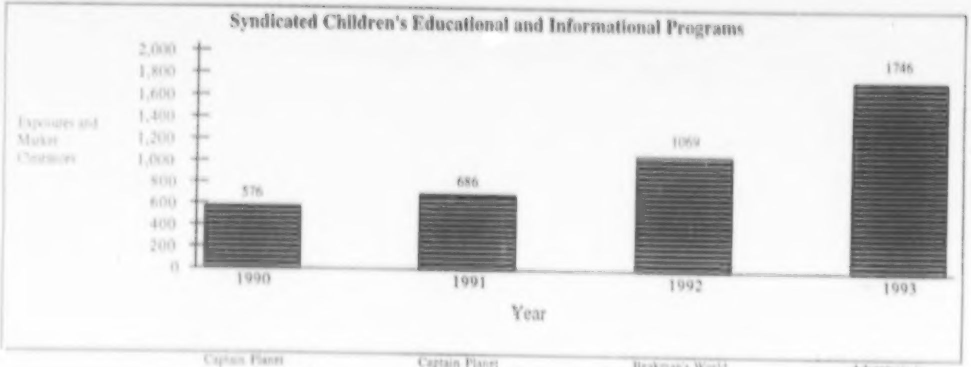
approach could subject their renewal applications to closer FCC scrutiny.

INTV is proposing that the FCC adopt a policy statement, as opposed to strict rules. Rules setting forth specific quantity, type and time requirements tend to eliminate licensee discretion and can straitjacket a station's efforts to be creative or responsive to changes in the marketplace or its community. The "safe harbor" approach would give stations the opportunity to explore alternative educational concepts or formats. Of course, a station deciding to opt for this approach and not provide an hour of "core" educational or informational programming would have to explain its reasons at renewal.

INTV supported enactment of the 1990 Children's Television Act. We believe the programming market has responded well. There is a delicate balance between stimulating a market, which has been accomplished, and restricting it through over-regulation. We all share the same goal -- providing the best educational and informational programming to this nation's children. INTV hopes that this Subcommittee will consider these factors as we move forward with the Commission's proceeding.



Syndicated Children's Educational and Informational Programs

Captain Planet
National Geo Special
National Geographic Assignment
Peppermint Place
Quiz Kids Challenge
WIDGET
Young Peoples Specials
Romper Room

Captain Planet
Captain Planet (repeat)
Kid's Club
Not Just News
Peppermint Place
Romper Room
Scratch
Wide World Kids
WIDGET
Young People's Specials
National Geographic

Beakman's World
Captain Planet
Children's Room
Faerie tale Theatre
National Geographic Special
Not Just News
Peppermint Place
Real News Kids
Romper Room
Scratch
Jacques Cousteau
WIDGET
Young Peoples Specials
Zoo Life

Adventures in
Wonderland
Best of National
Geographic
Bill Nye Science Guy
Captain Planet
The Children's Room
Energy Express
Hallow Spencer
Nick News
Not Just News
National Geographic
New Adventures of
Captain Planet
Peppermint Place
Real News for Kids
Romper Room
and Friends
Scratch
WIDGET
What's Up Network
Young Peoples
Specials
Jack Hannah's
Animal Adventures

EXHIBIT 8

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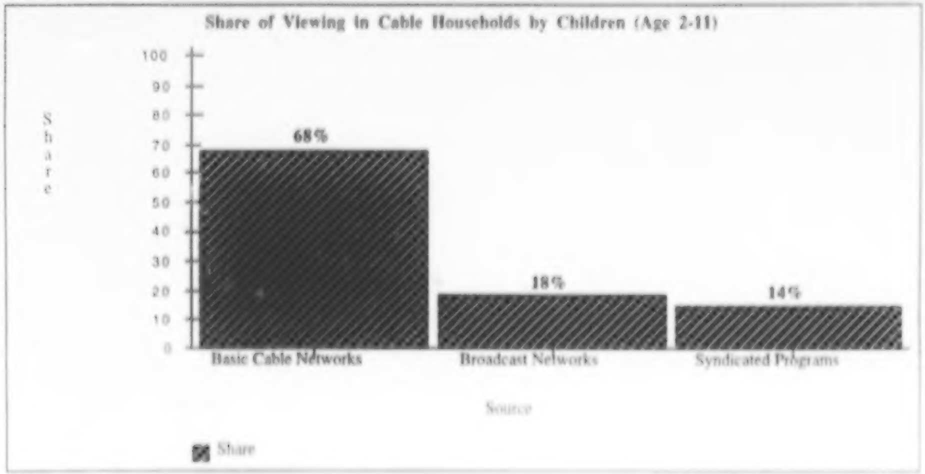

Share of Viewing in Cable Households by Children (Age 2-11)

EXHIBIT 8

Thank you very much, Ms. Cochran. We very much appreciate it. Our next witness is Rosanne Bacon. Rosanne Bacon is an executive committee member of the National Education Association. She teaches English at Ware High School in Massachusetts and is a long-time friend of mine, and we welcome you, Rosanne. If you could move over the microphone, whenever you feel comfortable, please begin.

STATEMENT OF ROSANNE K. BACON

Ms. BACON. Thank you, Mr. Chairman.

My name is Rosanne Bacon. I am a member of the Executive Committee of the National Education Association. NEA represents 2.2 million education employees in our Nation's public elementary, secondary, vocational, and post-secondary schools.

I really appreciate the opportunity to talk to you this morning about the Children's Television Act of 1990 and the need for broadcasters, parents, and educators to work together to meet the intended goals of this legislation. NEA is proud of its role in influencing the design and implementation of this Act.

While the broadcasting industry has produced some quality shows in response to the Act, there is still much work to be done. For children and parents, there is a demand for more educational programming that is new and exciting, and for teachers whose students are watching the 95th rerun of "Gilligan's Island", there is a definite need for more high-caliber programs that can enhance and stimulate children's learning.

As a teacher with more than 25 years of classroom experience, I have seen the positive influence that TV can have on children. Broadcasters must recognize this and work with educators and parents to produce creative television shows that meet the educational needs of children. NEA recommends that programs defined as educational have at their core a primary educational objective, be age appropriate, and involve active learning. Educational television should have teaching as its primary purpose while maintaining its entertainment value.

I have exactly the same quote, as a matter of fact, which is interesting. Education and entertainment are not mutually exclusive. Indeed, many of the qualities that make television shows successful, such as the ability to grab the attention of the audience and convey a message, are similar to those found in any successful classroom.

Programs must also be age appropriate and meet a child's level of comprehension for educational benefits to be realized. Further, we recommend that educational programming be limited to shows that promote active learning and engage children in physical or intellectual activities such as some of those that were described by Mr. Beakman.

We urge the networks to follow the strategy pioneered by the public broadcasting industry: Create distinguished programming for children, air it in time slots appropriate for the age group, and aggressively promote those programs.

The success of educational programming also requires consistent and appropriate scheduling of children's shows. Programs should be aired at the same time each day or week in order to meet children's educational needs and be given a chance for commercial success. Consistency of scheduling would certainly help parents and teachers take full advantage of television's potential as a force for learning. Nothing is worse, as a classroom teacher, than going into school in the morning and having all the kids talking about some TV program that you have inadvertently missed because you just didn't see the promotion for it.

We also urge that children's programs be shown between the hours of 7 a.m. and 10 p.m. Although the dynamics of a changing American family create a need for increased scheduling flexibility, most shows should air when they are accessible to the majority of children. We recommend that individual shows be at least one-half hour in length and that there be at least one hour a day of educational broadcasting. Short segment programs should count toward a broadcaster's obligations under the Act only if they accompany full-length programs and have consistent air dates and times.

While it is a common assumption in the industry that children have short attention spans and short segments adequately meet their grasp for information, the facts simply do not support this view. Teachers know from experience that they can hold the attention of any class with material that is easily understood, engage's the child's imagination, and whose content and language are geared to them. Just as a publisher would not consider issuing a children's book with only two pages, a broadcaster should not rely solely on short segments as a means to satisfy a child's instructional requirements.

To summarize, we support a clearer definition of children's programming that would include mandates for educational objective, age appropriateness, and active learning. Children's television should have a consistent schedule, be aired at appropriate times, and meet guidelines on length and amount of daily programming. We hope that this subcommittee can help all of us—parents, educators, community groups, and broadcasters—work together effectively to meet that responsibility.

We look forward to future opportunities to work with you on our specific recommendations and appreciate the opportunity to share our views with the subcommittee, and I am especially glad to have the opportunity to see you again, Congressman marquee.

Thank you.

[The prepared statement of Ms. Bacon follows:]

TESTIMONY OF THE NATIONAL EDUCATION ASSOCIATION
ON THE
CHILDREN'S TELEVISION ACT OF 1990

Mr. Chairman and Members of the Subcommittee:

My name is Rosanne Bacon, and I am an Executive Committee Member of the National Education Association. NEA represents 2.2 million education employees in our nation's public elementary, secondary, vocational, and postsecondary schools. I appreciate the opportunity to talk to you this morning about the Children's Television Act of 1990 and the need for broadcasters, parents and educators to work together to meet the intended goals of this legislation.

NEA was instrumental in the passage of the Children's Television Act. Since its passage, we have closely monitored its implementation. We were also the principal education group working with a coalition of organizations that petitioned the FCC to clarify the Act's rules.

The Children's Television Act was intended to encourage the creation of high-caliber programs that would serve the educational and informational needs of children. In response, the broadcasting industry has risen to the challenge with new shows such as "Real News for Kids," "Bill Nye the Science Guy," and "Beakman's World." Yet, while some quality shows have been created in direct response to the law, many stations continue to schedule them during early morning hours and periods where they can be pre-empted.

Given the current climate, there is still much work to be done. For a child and parent, there is a need for educational programming that is new and exciting. And for teachers, whose students are watching the 95th re-run of "Gilligan's Island," there is definitely a need for more and better quality shows.

As a teacher with more than 25 years of experience in the classroom, I know how deeply children can be influenced by what they see on television. I believe the promise of the Children's Television

Act can be fulfilled, but broadcasters must work with parents and educators to produce creative television shows that meet the educational needs of children.

In particular, we propose that a more precise definition of educational and informational programming be included in the Act. Specifically, we recommend that programs defined as "educational" have at their core a primary educational objective, be age appropriate, and involve active learning.

The power of the television medium to reinforce learning, stimulate curiosity, and help children form self-concepts cannot be underestimated. Programs like "Sesame Street" have become institutions for American children because of their innovative ability to teach concepts such as numbers, letters, and sharing. Educational programming for children should have teaching as its primary purpose, not simply entertainment. Shows should help youngsters understand concepts of mathematics, science and languages, enhance their social development, and serve the specific educational needs of children, aged 2-16, as required by the law.

Implementation of the Children's Television Act should include issuing guidelines for age-appropriate programming. The educational and informational benefits of programs for children are lost if programs are below or above a child's cognitive ability and level of comprehension. Broadcasters must air programs that not only meet the educational needs of the diverse age span specified in the legislation but also challenge each group's imagination. The intellectual demands of a pre-schooler and a pre-teen cannot be equally met within the same program.

Similarly, we recommend that the classification of educational programming be limited to programming that promotes active learning. Shows should involve children in physical activity, as with "Barney" and "Sesame Street," or engage children in intellectual activities, as with "Mr. Rogers' Neighborhood" and "Where in the World is Carmen Sandiego?"

While some might believe that educational programming must be dull and boring, education and entertainment are not mutually exclusive. On the contrary, as any good teacher will tell you, many of the qualities that make a television show successful are similar to those found in any successful classroom--the ability to grab and keep the attention of the audience and convey your message.

The issue is whether networks will accept their responsibility as trustees of the public airwaves to educate in a positive and effective way or will simply provide token programming in compliance with the letter of the Act. We urge the networks to send a signal to writers and producers that they are seeking a new form of children's programming for their airwaves -- shows that are mentally stimulating, innovative and creative in their content. We recommend that networks follow the strategy pioneered by public broadcasting by creating distinguished television for children, airing it in time slots appropriate for that age group, and aggressively promoting the programs with published schedules and on-air promotions.

With this change in outlook for children's programming, the industry could then turn to finding advertisers who will support such network fare. Children's programs need not be viewed as a charitable effort. Educational shows have the potential to generate viewers and advertisers if they are given the same dedication that networks offer to prime-time programming.

The success of educational programming requires consistent and appropriate scheduling of children's television shows. By regularly scheduling programs, it is easier to cultivate and retain an audience and garner advertising dollars. Educational programming must be aired at the same time each day or week in order to meet children's educational needs and be given a chance for commercial success. While networks claim that programming cannot be both educational and profitable, they rarely offer top-notch programs in a regularly scheduled time slot to test their claims.

Children should be able to know when their favorite shows are airing, just as adults know that if they turn on their television at 7 p.m. they will be able to see their favorite newscast. Consistency would also allow parents and teachers to take full advantage of television's potential as a force for learning. When children's shows are given regular time slots, parents can determine when programs of interest will be aired and make informed decisions about their children's viewing habits. Teachers can also make decisions about shows that will benefit their students and counsel parents on programming choices. Most importantly, parents and educators can reinforce the messages that are presented in educational broadcasts.

We also urge that children's programming be shown only between the hours of 7 a.m. and 10 p.m. The goal of the Children's Television Act is to increase programming that enhances children's educational experience. It is futile to broadcast programs at times when they are virtually inaccessible to the audiences they were designed to reach. We recognize that single parents, working couples, and other dynamics of the changing American family create a need for programming in off hours. Still, we advocate that shows consistently air during the stated period to meet the true intent of the Act and reach the largest audience.

Further, we recommend that children's programming be offered in concentrated doses. Individual shows should be at least one-half hour in length and there should be at least one hour a day of educational programming. The educational and informational benefit of children's shows is heightened by regular-length programs that can grab a child's attention and hold their interest for an extended period. Standard-length programming can also increase viewership, improving the chances of a children's program to attract advertisements and become profitable. Short-segment programs such as public service announcements should count toward a broadcaster's obligations under the Act only if they accompany full-length programs and have consistent air dates and times.

It is a common assumption in the industry that children have short attention spans and, therefore, short segments adequately meet their grasp for information. But the facts do not support this view. Teachers know from experience that they can hold the attention of any class with material that is easily understood and engages a child's imagination. We can look at full-length feature films like "Beauty and the Beast," "Homeward Bound," and "Aladdin" to see that children can be enchanted and captivated by material whose content and language are geared to them. Just as a publisher would not consider issuing a children's book with only 2 pages, a broadcaster should not rely solely on short segments as a means to satisfy a child's instructional requirements.

I would also like to see broadcasters experiment with regular-length programs for children that could be aired on the major networks in prime time. In Boston, we have a call-in radio news show where youngsters report on current events, and parents and children are encouraged to participate. The program has been very well received by the community and local advertisers. I believe broadcasters would be well served by committing to producing such programming and showing what television at its best can do for America's young people.

In summary, we support a clearer definition of children's programming that would include mandates for educational objectives, age appropriateness, and active learning. We also endorse a format that requires that shows be consistently shown, aired at appropriate times, and meet guidelines on length and amount of daily programming. Television has changed as a part of American culture. Children are watching more TV than anyone could have imagined years ago when the family gathered around the set to watch their favorite program. With this evolution comes responsibility. We hope that this subcommittee can help all of us--parents, educators, community groups, and broadcasters--work together effectively to meet that responsibility.

We look forward to future opportunities to work with you in pursuit of our specific recommendations and appreciate the opportunity to share our views with the subcommittee. Thank you.

Mr. MARKEY. Thank you. Thank you, Ms. Bacon, very much.

Our next witness, Margaret Loesch, is president of Fox's Children's Network. Ms. Loesch has worked in children's television for over 20 years.

We welcome you here today. If you could move over that microphone.

STATEMENT OF MARGARET LOESCH

Ms. LOESCH. Thank you very much.

I would like to start, because I see we have TV cameras, by saying hello to my 5-year-old son Curtis because I am here and he is in Los Angeles this morning graduating from kindergarten.

I have been in television for 25 years, and I have been involved in children's television for 20 of those years. I have held creative executive positions at NBC, ABC, Marvel Productions, and Hanna Barbara, and I joined the Fox Children's Network at its creation early in 1990.

In just 4 years the Fox Children's Network has grown to be the leading supplier of children's programming, and currently we are number one in children's audience share and rating with children 2 to 11 and number one with teens through 17. Within our 19 hours of diversified programming a week, we will soon be presenting a total of 3 hours per week of solid curriculum-based educational programming for children.

I would like to say a few words about FCN's philosophy in crafting our overall children's schedule. We believe that the key to a successful children's network which enriches our young audience is diversity. Our schedule is intended to encompass the broad range of children's interests and abilities and includes various types of programs from sitcoms to action adventure to educational series.

Through the use of short segments as well as long form programs, we take advantage of our unique opportunity to impart all sorts of entertainment, and within our entertainment all sorts of cultural prosocial and other educational information is interspersed.

To be sure, the Children's Television Act has stimulated creative programmers to make educational curriculum-based programming. We appreciate, understand, and in no way dispute the need for our popular medium to address those needs of children, but if all we can be is school on TV, we will lose our attractiveness and lose our audience. We must entertain first in order to capture children's attention.

We crafted our present schedule very carefully to put our Saturday morning curriculum-based program right after a powerful entertainment show to maximize our viewership. We think that such strategies are key to achieving goals of the Act, and we hope that the Government won't tie our hands from being creative and imaginative in attempting to implement the important goals of the Children's Television Act.

In direct response to the Television Act, we are broadcasting "Where on Earth is Carmen Sandiego?" It is a new series different from the PBS show and the video games. The significant purpose of this series is to educate children in geography and history, and we did so through an entertainment vehicle.

When you view "Carmen", you will see that the series is extremely entertaining, as it must be to capture children's attention. We utilize cell animation, computer animation, and live action elements.

In light of "Carmen's" great success, it may sound less strange to you when I state that one of our guiding principles in developing programming is that we will not devalue our franchise by presenting any so-called educational program that has less quality and entertainment than every other offering on our schedule. Our current efforts are directed to developing a weekday educational series for preschool children entitled "Fox's Cubhouse", intended to premier this October. This series comprises three different programs each with a different educational orientation dealing with nature and the environment, entry life skills, music and rhythm, and cultural diversity. As with "Carmen", we employ independent expert consultants for each program. I might also mention that "Carmen" is endorsed by the National Education Association.

From its inception, FCN has been committed not only to quality entertainment but also to public service both on and off the air. Although the FCC has stressed the importance of long form educational programming, our experience has been that also attractive short segment interstitial material embedded throughout the entertainment that we know children are watching is a most compelling means of conveying information to our audience. We have devoted millions of dollars over the past 4 years to the production of this interstitial material in a wide variety of subject areas.

We would like to now show you a brief clip of an interstitial, a clip of "Carmen", and a clip of one of our new preschool programs.

[Videotape shown.]

Mr. MARKEY. Thank you, Ms. Loesch, very much.

Ms. LOESCH. You are welcome.

[Testimony resumes on p. 100.]

[The prepared statement of Ms. Loesch follows:]

TESTIMONY OF

MARGARET LOESCH,
PRESIDENT OF
FOX CHILDREN'S NETWORK

Good morning. I am Margaret Loesch, President of Fox Children's Network. I'm pleased to be with you this morning.

This is my 25th year in television, and I've been involved in children's television for 20 of those years. I've held creative executive positions at Marvel Productions, Hanna Barbera, NBC and ABC, and I joined Fox Children's Network at its creation in early 1990. FCN is the result of an unprecedented collaboration between Fox Broadcasting Company and its affiliates. In just four years, FCN has grown to be a leading supplier of children's programming and currently we are number one in children's audience share and rating. Moreover, this fall, FCN will be presenting a total of three hours per week of solid curriculum-based educational programming for children, both on weekdays and weekends.

In the interest of total candor, I want to start by telling you that I am among the many Americans who do not like the government telling them what to do. However, I also am among the first to admit that passage of the Children's Television Act has made a material difference in the amount of children's curriculum-based programming offered by all broadcasters. At Fox, in particular, we responded by producing a Saturday morning curriculum-based program that also has been a critical and rating success. And this fall, we will be the only network to present a daily weekday educational program for preschoolers.

Before I talk about our newest curriculum-based programs, in which I know you are most interested, I would like to say a few words about FCN's philosophy in crafting its overall children's schedule. Just as with an adult network schedule, we believe that the key to a successful children's network is diversity. Children are as different from each other as are adults, and just as some adults, but not all, prefer action adventure dramas to news documentaries or sitcoms, the same is true for children. Our schedule is intended to encompass the broad range of children's interests and includes various types of programs--from sitcoms to action adventure to curriculum-based series. Through the use of short segments, as well as long-form curriculum-based programs, we take advantage of our unique opportunity to impart all sorts of cultural, pro-social and other educational information, as well, interspersed throughout our schedule.

To be sure, the Act had stimulated creative programmers to make attractive curriculum-based programming. We appreciate, understand and in no way dispute the need for our popular medium to address these needs of children. But if all we can be is "school on TV," we will lose our attractiveness, and lose our audience. If we can't entertain first, we will not be able to capture children's attention in order to educate them. We crafted our present schedule very carefully to put our Saturday morning curriculum-based program right after a powerful entertainment show, to maximize our viewership. We think that such strategies are key to achieving the goals of the Act, and we hope that the Commission won't tie our hands from being creative

[illegible]

and imaginative in attempting to implement the important goals of the Children's Television Act. But no matter how hard we try to improve, I think it is important to note that TV can't be a substituting for good parenting or kind and loving nurturing of children or solid classroom education.

Let me now describe our Saturday morning program **Where on Earth is Carmen Sandiego?** When our Affiliate Board came to us requesting that Fox affiliates be able to look to us to fulfill station programming obligations under the Act, I was skeptical that we could provide curriculum-based programming that met the high standards of excellence, in terms of popularity with children, that we set for the entertainment portion of our schedule. But, despite my initial reservations, we used all of our experience and talents to deliver children a compelling an imaginative series.

One reason we chose **Carmen**, after it had been passed on by another network, was that **Carmen** was already known to children from video games, as well as the PBS Series. We also felt that we knew how to further develop the concept to capture children's interest and stimulate independent creative thinking. Our creative executives worked closely with the show's producer, and our struggles to create the product envisioned ultimately required us to delay the program's premiere for six months in order to ensure quality. DIC, the production company for **Carmen**, had to spend over its budget and as a result came back to FCN for additional financial assistance, to meet our quality standards.

In an effort to maintain the excellence of **Carmen**, we have increased our financial investment in the series by almost $2 million. But, I think all would agree that those struggles were worthwhile. **Carmen** turned out to be exactly the series we envisioned and were trying to achieve. **Carmen** won its time slot on only its second airing, and it continues to be enormously popular with children. We get volumes of positive mail from children, parents and educators alike. One teacher wrote us that the program is assigned as homework and discussed in class. When you view **Carmen**, you will see that the series is extremely entertaining, as it must be to capture children's attention.

In the light of **Carmen**'s success, it may sound less strange to you when I state that one of our guiding principles in developing educational programming is that we will not devalue our franchise by presenting any so-called "educational" program that is any lower in quality and entertainment than every other offering on our schedule. Our current efforts are directed toward developing a weekday educational series for pre-school children, provisionally entitled **Fox Cubhouse** intended to premiere this September. The series comprises a wheel of three different series programs, each with a different educational orientation. As with **Carmen**, we employ independent expert consultants for each program.

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Through the humor of the **Cubhouse** cast of characters, we will take our audience through a preschool curriculum that focuses on nature and the environment, group entry and like skills, and music and movement. Our nature series is the latest to come from the legendary Jim Henson Productions, in association with Survival Anglia, featuring vast footage from their wildlife library. Our socialization component, **Johnson & Friends**, will be the result of a break-through collaboration among Fox Children's Network, Film Australia and WQED, Pittsburgh, the public broadcasting powerhouse responsible for children's educational programming classics such as **Mr. Roger's Neighborhood, Where in the World is Carmen Sandiego?** and **Wonderworks**. Each episode will be carefully crafted to address the emotional and educational needs of today's preschooler, dealing with topics such as sharing, friendship, teamwork, individuality and family concepts in a developmentally appropriate way. **Rimba's Island**, produced by DIC, producers of **Where on Earth is Carmen Sandiego?**, uses multi-cultural music, rhythmic movement and simple stories to introduce traditional preschool concepts and to introduce them to cultural diversity. We have high hopes that this pre-school program wheel will reach the standards of excellence and success set by **Carmen** and our other entertainment programs.

From its inception, FCN has been committed not only to quality entertainment but also to public service, both on and off the air. Although the FCC has stressed the importance of long-form educational programming, our experience has been that attractive short-segment interstitial material, embedded throughout the entertainment programming that we know children are watching, is a most compelling means of conveying information to our audience, perhaps more effective than standard-length programming. Indeed, the standard program lengths were not designed to best take advantage of the developing cognitive abilities of young children. Rather, short segments, which grab children's attention immediately and hold it briefly, have been shown to be an effective didactic tool for the electronic media.

Not only have we always incorporated those pro-social or educational ideas that we feel the need to impart to children in the form of nuggets sprinkled into the overall context of our primarily entertainment oriented programs, in recognition of the power of short-segment programming, FCN has devoted over $2 million over the last four years to the production of interstitial material in a wide variety of subject areas, including pro-social values, safety, nature, science, geography and the environment. Our **Totally For Kids** interstitial minutes are a series of messages that stimulate thought, create deeper awareness and impart to children valuable, practical information that they can apply to their own lives. The progressive focuses of these spots can be likened to a series of ever-broadening circles, starting with the child's inner self and emotions, progressing to the child's immediate surroundings and finally society.

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addressing the world at large. The **Totally for Kids** interstitial messages most recently won a *PEABODY AWARD*; previously these interstitials have won an Action for Children's Television Outstanding Achievement in Children's Television Award for the 1990-91 season. That season's PSAs also placed as a finalist for best director, International Monitor Award. FCN also recently received a prestigious National Education Association Award for the Advancement of Learning Through Broadcasting for its 1992 public service announcements. I shall present a short videotape with a representative sample after my oral presentation, as the following descriptions simply fail to capture the vibrant intensity with which these messages are conveyed.

A Message Totally For Kids addresses the child's inner world of thoughts and feelings. These moving motivational vignettes feature children reflecting on such topics as the meaning of patience, self image, empathy, creativity, respect and excellence. Our series of "music video" PSAs puts important social values, such as gender equality, racial harmony and individuality, to music in an attractive, contemporary context.

The Totally Kids Detective Agency public service announcements are designed to teach children how to be street smart in the world around them. With the help of child advocate and **America's Most Wanted** host John Walsh, three young detectives illustrate everyday situations that signal potential danger and provide concise information on how to handle such situations in a simple, smart and safe manner. Another series in which John Walsh is featured teaches healthy nutritional values.

Addressing concerns related to the world at large is a series of **Totally For Kids** interstitials messages regarding environmental issues and in another series designed to teach children to be culturally aware, i.e., "art smart." The **Mr. Wizard** series of spots address scientific issues of interest to our young audience.

Short-segment educational material may be a case where more, in the sense of longer, is not necessarily better. Indeed, the total time FCN devotes to educational interstitial material per week may well be equivalent to a standard-length program.

Another unique use we put to interstitial messages is exemplified with the wildly successful program, **Mighty Morphin Power Rangers**. We knew that children would delight in **Power Rangers** from the moment we screened it, but we felt that the show's live action format warranted some reminders. We produced ten different public service announcements, designed to teach the difference between fantasy and reality and suggest nonviolent means of handling conflicts, and incorporated one at the end of each program. We have heard, though only anecdotally, that some children consider these PSAs to be the best part of the show.

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One anecdote that I would like to share with you is a letter from the parents of a Bethesda, Maryland five-year-old crediting Power Rangers for teaching him how to fall safely and saving him from possibly fatal injuries when he ran into the street and was struck by a mini van. Copies of this letter and several other letters and articles about FCN are attached to this testimony.

FCN relies not only upon academic literature and expert consultants in developing program concepts, but also screens its programming for an Advisory Board comprising individuals who work with all kinds of children every day--a pediatrician, a child psychologist, a welfare worker, an educator, a policeman who works with juvenile offenders and runaways, among others--many of whom also are parents. The Board critically evaluates the messages in our short- and long-form programming and provides invaluable input to FCN program executives, based both on the professional expertise and objectivity of its members. We currently are in the process of establishing an additional advisory group composed of children. They won't just tell us what programs they like, but we also want to know what the issues are in their lives.

We are extremely proud of FCN's efforts and accomplishments. But we do not believe that they are unique among broadcasters. FCN's commitment to serve our child audience is shared by many other broadcasters. While to some extent this commitment preceded any legislation, much of the credit belongs to you, for the spur of legislation has stimulated educational program offerings for children.

FCN is proud of its programming record, particularly in light of its short history, and we think it is beyond dispute that the overall impact of our entire schedule, including long-form and short-segment programming, has "further[ed] children's positive development...., including serving their cognitive/intellectual or social/emotional needs..." in a variety of creative and imaginative ways.

FCN's good faith efforts at compliance with the Act, and those of other broadcasters, undoubtedly will continue. We at FCN treat our children's schedule as seriously as any adult schedule: All the programs in our line up must fit together conceptually and be of consistently high quality. These are our own creative standards. Children are as discerning an audience, in terms of quality, as adults, and it is our most important goal to continue to meet the high standards our child audience sets for us, whatever kind of programming is mandated and in whatever quantity.

June 10, 1994

7805 Fairfax Road
Bethesda, Md.
20814-1317
15 May 1994

Ms. Margaret Loesch
Fox Children's Network
5746 Sunset Blvd. - Suite W635
Hollywood, California 90028

Dear Ms. Loesch:

We are writing to you because the Power Rangers television show helped to save our son's life yesterday. We understand that some parents are not fans of this show, so we particularly wanted you to know about a serious and positive outcome of your work.

Our son, Jesse, is almost 5 years old. He and our other children (Samantha, almost 8 years; Victoria, 3 years; and Zachary, 6 weeks) all are rabid fans of the Power Rangers. For a year or so, we (except for Zachary) have practiced how to fall by shoulder roll, again and again and again. They are fond of practicing shoulder rolls, flips in the air, and a wide assortment of falling techniques. As they watch the Power Rangers show and videos, they emulate the Power Rangers and practice their moves. Our children have every PR toy that they can find and they have a deep understanding of the messages of fair play and helping others. They particularly like the lessons that are taught at the end of each episode.

Yesterday, Jesse darted across our street and was hit squarely by a minivan. The van screeched to a halt but only after striking him in the side and head. That's when the miracle took over. Jesse literally flew in the air in the direction of the car's forward motion as we looked on horrified. He immediately tucked in his head and arms, flipped in the air, and hit the road with a shoulder roll. Neil (the father) ran to attend to him and found his face covered with blood. Because he was crying and conscious, Neil raced him into the house, washed his face, and put ice on a contusion on his forehead. Meanwhile, Nancy (the mother) gathered the other children and called 911. Within minutes, neighbors, rescue squad, and police were on the scene and performing superbly. As the rescue team checked Jesse for a concussion, broken bones, neck injury, and organ damage, they expressed their amazement at his seemingly minor injuries. Still, they treated him seriously in case the internal damage was extreme, and we were rushed to the National Children's Hospital (Washington, D.C.) emergency trauma unit.

At the ER, we received excellent attention and Jesse was examined for a concussion, neurologic damage, organ damage, and orthopedic injury. All of these tests proved negative. His only injuries were a forehead contusion and cuts on his face (that we later realized were a result of facial impact with the hood of the car) and scrapes on his knees and elbows from the pavement. The ER physician and staff, frankly, were amazed at his sidestepping of a major injury or worse. We explained that we have taught him how to fall (in case of bike accidents, we thought) and that his love of the Power Rangers keeps him practicing every day.

Our children asked us to write to you to thank you and the Power Rangers for your role in this escape. They also want to recommend that you teach a lesson on your show about how to fall and minimize impact. In addition, they would love to meet the Power Rangers, thank them in person, and help them develop a teaching unit on how to fall. Please let us know if there is any way for you to honor these requests.

Keep up the good lessons integrated with your action episodes. Perhaps you will save more than one life.

Yours truly,

Neil and Nancy Grunberg

cc: Mr. H. Saban

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M[illegible]
[illegible] White Oak Ave.
[illegible] Hills, Ca. 91[illegible]
(818) [illegible]
(818) [illegible] (Pager)

Dear Producers of Power Rangers, March [illegible], 199[illegible]

[illegible] Mitch Tracy, I'm a children's pastor with a degree in [illegible] and I am writing you to comment on [illegible] with my experience in childhood development. I am [illegible] children's programs. Likewise, [illegible] program. Therefore, you get the [illegible] network that I consider to be [illegible] faith, network during prime-time (Simpsons, [illegible], Married With Children, etc.). I also feel that [illegible] network is the best of all the networks. I don't [illegible], but you have my full support of your [illegible].

I appreciate **Power Rangers** because, 1) it teaches kids that you don't have to destroy an enemy unless necessary to protect others, 2) they fight monsters and not people, 3) they slowly increase their power instead of blowing their enemy away at first glance and 4) they teach the value of friendship, trust, parents and education. I also appreciate the **Totally for Kids** segments and the **messages from the Power Rangers**. Thank you for providing such valuable programming that kids can really learn from and not just be entertained by. Out of all the children's networks, yours is the only one I support. I wish you the best as you continue to produce more **Power Rangers** shows and more segments that teach safety, awareness and virtues. Keep up the good work.

Sincerely Yours,
Mitch Tracy
Mitch S. Tracy

BEST COPY AVAILABLE

10/6/93

Mighty Morphin' Power Rangers
c/o Fox Broadcasting
PO Box 900
Beverly Hills, Ca. 90213

Dear producers:

I am the mother of Raffi Lopes who sent you the enclosed note. He is 11 years old and a big fan of your new show and I am very grateful to you for the following reason: Raffi has autism and just getting him to do the morning rituals that come so naturally to others is difficult. But your show has helped motivate him and allowed me to teach him a routine, which he now follows every day just so he can see the show.
He sets his alarm for 7 a.m., gets dressed, makes his bed and even makes his own waffles - all so he can be ready at 7:30 a.m. Please don't change the time!!!!
You have helped make progress for my guy and he really adores the show. In fact, the letter, the body of which he painstakingly typed on the computer, was the first he has ever written as organizing his thoughts and self-expression are difficult for him.
Again, thanks for the show. He'll be watching...

Sincerely,

Hedy Lopes
29 Black Horse Dr.
Acton, Ma. 01720

29 Black Horse Dr.
Acton, Ma. 01720
Oct. 5,1993

Mighty Morphin' Power Rangers!
c/o Fox Broadcasting
PO Box 900
Beverly Hills, CA. 90213

Dear producer of Power Rangers:

i like your show i wish you will never stop making new Episodes my favorite monsters are the king svinks the pinoctopus the nasty knight
eye guy and the slimy snizrd.

sincerely,

RaffiLopes
Raffi Lopes

Mr. MARKEY. Our next witness is Dr. David Britt, who is the president of the Children's Television Workshop.

We welcome you here, sir. Whenever you are comfortable, please begin.

STATEMENT OF DAVID V.B. BRITT

Mr. BRITT. Thank you, Mr. Chairman, members of the subcommittee. I did not bring any tape this morning. It seems to me the subcommittee has been watching altogether too much television.

We are here today because, through the work that we do in television and other media, we have become the largest single teacher of young children in the country and indeed in the world. We are not the most important teacher of young children; parents, teachers, day care providers are that; but we are the largest, and we take this responsibility very seriously.

We work to understand the impact that television has, and the research that we have seen and the research that we have done shows that it can be an important and constructive force in the education of young children. It can also be a destructive force in the education of young children. We must make no mistake, children do learn from television; we adults decide what they will learn.

I am here this morning to urge you to once again take decisive action on behalf of the Nation's children. The Children's Television Act of 1990 is landmark legislation serving notice that television must help meet the needs of children. Yet we share the subcommittee's concern that the promise of the Act so far has not been fully realized, and we applaud your affirmation that educational and informational programming should be expanded and should be improved.

There have been too few successes in terms of the Children's Television Act. My friend Mr. Zaloom, or however he pronounces his name——

Mr. ZALOOM. Zaloom is fine.

Mr. BRITT. Zaloom is fine, OK; there are other programs, and directly in response to the pressure of this subcommittee, to the FCC, we are seeing more action. But there are still too few successes and too much "business as usual." We believe that this, in part, comes from some fundamental misunderstandings of the nature of educational television.

The conventional wisdom holds that education and entertainment are opposite, that, like the polar ends of magnets, they repel one another. After a quarter century of experience with "Sesame Street", "The Electric Company", "Ghostwriter", and our other programming, I am here to tell you that simply isn't the case. Programming can't educate if it is not watched, there is no question about that, and to be watched it must engage, it must captivate, it must compel, and, yes, it must entertain. But the fact is that carefully designed educational programming can work well as compelling television as well as compelling education.

For example, in its 26 seasons "Sesame Street" continues to draw large audiences, consistently reaching ⅔ of children age 2 to 5 on a regular basis about twice a week or more, and in only the latest entry in a long roster of research establishing the efficacy of educational television, recent findings from a Department of Education study found that preschoolers from low-income families that watch "Sesame Street" are much more likely to show signs of emerging literacy than poor children who do not watch "Sesame Street."

Conventional wisdom also holds that educational television cannot draw an audience, it cannot be economically viable, but the fact is that quality educational programming can and does draw strong audiences. This spring for example, "Ghostwriter", our show on reading and writing on public television, outperformed ¾ of all commercial programming among children aged 6 to is 11.

There is no question but what it is easier to use the tried and true formulas of mayhem and mindlessness and violence to gain large audiences, and it probably costs less to do it that way as well, but don't let anybody tell you that you can't do quality educational programming and get a large audience and make it economically viable, and I believe our children deserve it.

Finally, conventional wisdom holds that education on television must be either narrowly defined, as pedantic, preachy, and didactic or else it can't be defined at all without putting regulators into the production studio and trampling on First Amendment rights. That isn't the case. We need to move beyond these conventions, and we have a suggestion which we have made to the FCC and which we will repeat to this committee for a process definition of education that I think will work effectively.

That is to say, programming must first be developed with the assistance of independent educational advisors, and we have heard some of that this morning; that is beginning to happen; second, it must be created to fulfill an explicit written educational goal that is set in advance with respect to a specific target age audience; and, third, each program should be evaluated by some outside source with respect to its educational effectiveness. This three-part standard, an objective guide to replace to present subjective tests, holds, we think, significant promise for increasing the quality of children's television.

Quality isn't the only problem, however; we do need more quantity. The amount of core educational programming needs to be expanded. We suggest a concrete minimum of three unduplicated hours per week or the greater of 10 percent of the total weekly amount of nonqualifying standard length children's programming typically aired by the station.

If stations wisely decide that they can make money from programming children's programming, they ought to make a substantial portion of that programming educational in nature and also quality entertainment. We believe, further, that this 10 percent standard should be increased to 25 percent over the next 3 to 5 years.

In closing, let me make one last point. Whether we like it or not, whether we approve of it or not, television is a central influence on our children's lives. If it offers only trash, if it serves a steady diet of mindlessness and mayhem and gratuitous violence, sexual stereotypes, and gender bias, then that is our choice as a society, and then how can we in good faith express surprise, grief, and horror when our children learn to exhibit these same characteristics?

There is an old African proverb which has been quoted widely about the fact that it takes an entire village to raise one child. That proverb is true, and I think it is high time that a large part of our village, this business of television where children spend so much of their lives, accepts and fulfills its obligation to help responsibly raise our youngest citizens.

Thank you, Mr. Chairman.

Mr. MARKEY. Thank you, Mr. Britt, very much.

Our final witness is Mr. Kent Takano, who is the producer of "Scratch", a teen magazine program that was broadcast from 1988 to January of this year. The program was named the best teen program in the country by the National Association of Broadcasters in 1991.

Welcome, sir.

STATEMENT OF KENT TAKANO

Mr. TAKANO. Thank you, Mr. Chairman, and thank you to the subcommittee for inviting me to speak today.

The reason why I am here is, I guess, I represent the other side of the coin, a show that was not only critically acclaimed and was airing in 135 markets across the country covering 85 percent of the country but it also failed economically. We were on a budget of $30,000 a week, which really is nothing by today's standards of television production. So I think I represent sort of the side of grassroots television that somehow the system has, I guess, failed.

When we were marketing our show, trying to get the lucrative 9 to 11 a.m. time slots, the stations usually responded by saying, "We can't put it in there because it is too educational." They were really that blatant to our syndicators when it came to that, and that is pretty disheartening when you are trying to do positive children's programming.

Let me read here from some of my written testimony. Because of the home run mentality of the studios, producers of children's programs and syndicators that market these shows saw a huge opportunity to cash in when the Act was passed. As children's shows flooded the market and competition grew, syndicators effectively clouded the issue by confusing stations as to which shows would help stations comply with the FCC's mandate. In fact, syndicators went as far as sending slick marketing fliers promoting children's shows, mostly animation or other reality shows with little or no social redeeming qualities, to stations with headings boldly proclaiming "FCC Alert" on the top.

In addition, many syndicators peddling animation programming continued the traditional practice of offering stations back-end advertising incentives such as guaranteeing large advertising dollars from toy and toy distribution companies tied into the marketing of products in exchange for favorable time periods. Stations gave up these valuable weekend morning time periods to cartoons and other programming professing to comply with the Children's Act of 1990 while accepting guaranteed advertiser money.

Given the choice between advertiser-backed shows compared to shows like "Scratch", a reality-based program with no advertiser-backed money other than those spots sold on the program, there really was no choice, and with this sort of fire power many animated shows have become nothing more than vehicles carrying the advertising of action figures, lunch boxes, and video games sitting on the store shelves. While cartoons like "Gobots" and "Teenage Mutant Ninja Turtles" continue to air around the country at 9 to 11 a.m., shows like "Scratch" struggled to survive in pre-7 a.m. time periods, the black hole of time slots, guaranteeing not only poor ratings but an extremely limited revenue stream. After all, how many kids 16 and under watch reality programming at 6 a.m. on Saturdays? Very few. Or even when "Scratch" was slated at 1 p.m., it was often bumped for network sports such as bowling, college football, or, worse yet, paid programming. "Scratch" without the advantage of having advertiser money backing it, had to rely on the goodwill of the stations and its quality to survive and rarely enjoying the protected time period with the affiliates.

What is the solution? The solution, I think, is as obvious as the difference between the content that drives a reality show versus a cartoon. Cartoons vary from pure entertainment, like "The Jetsons", to the implicit message of, "Be nice to your neighbor", typical of shows like "Care Bears." However, teen-targeted reality shows deal with real issues, current topics, and real emotions. They teach by giving young viewers a different perspective by presenting profiles of their peers and valuable examples from which to learn.

The problems surrounding programming for children cannot be made more clear. Stations and certainly the syndicators selling children's programming need a clear definition of what the FCC expects in the area of quality children's programming. The FCC has to require stations to comply to the spirit of the law, not just the letter, by making stations dedicate certain time blocks to reality programming for children on weekdays and weekends, not sitcoms with teen stars, not superheroes dressed as action figures, not music video shows with young cohosts, but reality shows, new shows for kids, whatever the FCC deemed is content driven, informational, and, above all, quality kids programming.

Shows such as "Scratch" have clearly proven that, given the opportunity, reality-based shows do not have to be boring. In fact, they can be just the opposite. It is time to ask the television industry, stations, networks, studios, producers, distributors, to give back to the communities they serve. The FCC has the power to raise the jump bar for everyone, and kids deserve to make a choice between cartoons and educational reality shows without having to wake up at the crack of dawn.

At our station, the KXTV affiliate in Sacramento, as well as the Belo-owned station in Dallas, we did various experiments with "Scratch", and we tried to—so we bumped out some of the 9 a.m., the 10 a.m. cartoons and put "Scratch" there, and it did extremely well. We also in Sacramento, when David Letterman was on NBC, we went head to head with him on Friday nights, and we beat him regularly, so it shows that, you know, shows like "Scratch" with a large teen viewership can do well and can be accepted by not only educational committees but the children watching television as well.

Thank you.

[The prepared statement of Mr. Takano follows:]

STATEMENT OF KENT TAKANO, PRODUCER, "SCRATCH", BELO PRODUCTIONS

As the producer of the A.H. BELO-owned reality teen magazine show SCRATCH, I saw SCRATCH grow from a local show to a program of national caliber and critical acclaim. SCRATCH broke new ground in children's programming, proving that kids will watch a positive, reality-based show if presented in a compelling and informative manner. The secret to SCRATCH was simple: We *never* told stories through an "expert in the field", be it a counselor, teacher, or psychologist. SCRATCH believed experts simply put up another "wall" between the young, hard-to-reach, channel-surfing audience and the issue or profile at hand. SCRATCH told stories one-on-one, whether it was a segment on a teenager maimed for life by a bullet, a profile of a young woman dying of AIDS, or an entire show surrounding the theme of BEING DIFFERENT (Gay, Poor, Overweight). SCRATCH was one of the first magazine shows—if not the first—to prove that real life, issue-driven topics do not have to be sugarcoated for a large teen audience to watch and learn.

In the spring of 1988, prior to the 1990 Children's Television Act, KXTV, the CBS affiliate in Sacramento, California, owned by the A.H. BELO CORPORATION, created the teen magazine show SCRATCH. The purpose of the show was two-fold: the station wanted to attract advertisers it previously could not with programming at that time; and, the station recognized the need for a socially-responsible, reality-based show. SCRATCH ran locally for 2 years before a syndicator, Muller Media of New York, realized that a show of its caliber would be attractive in the syndication market, all of this prior to the Children's Act Of 1990. In 1991, "SCRATCH" was named the BEST TEEN PROGRAM IN THE COUNTRY by the National Association of Broadcasters, as well as garnering four northern California Emmy Awards For Excellence In Children's Programming. At the time of its cancellation in January of 1994, SCRATCH aired in 135 markets (mostly affiliates or FOX), including all of the top ten, and 28 of the top 30.

SCRATCH was on the list of programs that satisfied the FCC's Children's Act guidelines.

Initially, with the passing of the Children's Television Act, the amount of children's programming from which stations have to choose increased tremendously with independents and big studios competing for time slots. Since the first rush, however, the amount of product has decreased with the bigger players now supplying the majority of the syndicated product. Because of the "home run" mentality of the studios, producers of children's programs and the syndicators that market these shows saw a huge opportunity to cash in when the Act was passed. As children's shows flooded the market and competition grew, syndicators effectively clouded the issue by confusing stations as to which shows would help stations comply with the FCC's mandate. In fact, syndicators sent slick marketing flyers promoting children's shows—mostly animation or other reality shows with little or no social redeeming qualities—to stations with headings boldly proclaiming "FCC ALERT" at the top. In addition, many syndicators peddling animation programming continued with the traditional practice of offering stations back-end advertising incentives, such as guaranteeing large advertising dollars from toy and toy distribution companies tied into the marketing of the products in exchange for favorable time periods. Stations gave up these valuable weekend morning time periods to cartoons and other programs professing to comply with the Children's Act of 1990 while accepting guaranteed advertiser money. Given the choice between advertiser-backed shows compared to shows like SCRATCH—a reality-based program with no advertiser-backed money other than those spots sold in the program—there really was no choice. And with this sort of monetary firepower, many animated shows have become nothing more than vehicles carrying the advertising of actions figures, lunch boxes, and video games sitting on the store shelves while having only passing regard to show content for the young viewers, a captive audience tuning in at home. While cartoons like "Gobots" and "Teenage Mutant Ninja Turtles" air during the 9 a.m. to 11 a.m. block around the country, shows like SCRATCH struggled to survive in pre-7 a.m. time periods—the black hole of time slots—guaranteeing not only poor ratings, but an extremely limited revenue stream. After all, how many kids 16-and-under watch reality programming at 6 a.m. on Saturdays? Very few. Or even when SCRATCH was slated at 1 p.m., it was often bumped for network sports such as bowling, college football, or paid programming. SCRATCH, without the advantage of having advertiser money backing it, had to rely on the goodwill of the stations and its quality to survive, and rarely enjoying a protected time period on the affiliates.

As The New York Times reported back in March 1993 and in trade magazines since then, some embarrassing situations have arisen with local stations trying to justify their animation programming decisions. One station claimed that "The

Jetsons" taught kids about life in the 21st century. Another said "The Flintstones" taught kids about prehistoric man. Enough said.

SCRATCH, in only a few short years, has become the dinosaur of quality, reality-based television. The A.H. BELO CORPORATION is continuing its efforts to market the show, but SCRATCH is not animation; it is not fiction; it is not public television where the importance of ratings are virtually moot and production is fully-funded; it has no real marketing value on the shelves of toy stores where the real money is made. SCRATCH is a relatively low-cost show ($25,000 to $30,000 per episode) that deals with current issues; it defines and gives context to the world of being a preteen or teenager in today's society. I believe it is the type of show the FCC would like local stations to program, but at this time the market atmosphere is one that in effect punishes this type of reality programming by giving it a low priority. A.H. BELO, despite entering both its second and third seasons at a deficit, continued to try and keep SCRATCH on the air. In the end, however, the show lost half a million dollars during its 2½ year run—a dollar commitment that went beyond just business. A.H. BELO continues to be active in the area of syndicated children's programming as one of the partners in the critically-acclaimed BEAKMAN'S WORLD.

Another ironic footnote to add is the fact that SCRATCH originally set the standard for reality children's programming. Networks, stations, syndicator, and even other independents have contacted us for information as to how we assemble our show, its philosophy, and overall budget. A strong argument can be made that even shows like PBS' "In The Mix" and Turner's "Real News For Kids" have copied the SCRATCH format in style, pacing, and content. It is a shame that the show that led the way for other reality programs for children has not been allowed to endure simply because it cannot compete with the deep pockets of other shows.

Simply put, the huge monetary incentives provided by the toy industry pushing animated products through the airing of their programs is tantamount to buying time blocks. However, there is much more at stake than securing lucrative time blocks in exchange for advertiser money. At stake here are the impressionable minds of our youth as parents either do not care, are too busy, or are simply not around when their children sit in front of the television. We are talking about a generation of kids who, more and more, sadly, are growing up with only one parent with more economic responsibilities and, right or wrong, a heavy reliance on this electronic babysitter. This is about big dollar industries controlling what our kids watch, and with our kids' best interests not always being the discriminating factor.

The solution, I think, is as obvious as the difference between the content drives a reality show versus cartoon. Cartoons vary from pure entertainment like the "Jetsons" to the implicit message of "Be nice to your neighbor", typical of shows like the "Care Bears." However, teen-targeted reality shows deal with real issues, current topics, and real emotions. They teach by giving young viewers a different perspective by presenting profiles of their peers and valuable examples from which to learn.

The game being played here is all about time blocks and who has the money to control them. Clearly, reality programs do not have the financial wherewithal to compete on this level, nor should they have to. Critical acclaim is not enough for a show to survive in the highly competitive weekend morning time periods, and the playing field will continue to be far from level as long as certain business practices continue to exist. The problem surrounding programming needs for children cannot be made more clear: Stations, and certainly the syndicator selling children's programming, need a clearer definition of what the FCC expects in the area of quality children's programming. The FCC has to require stations to comply to the spirit of the law, not just the letter, by making stations dedicate certain time block(s) to reality programming for children on weekdays and weekends. Not sitcoms with teen stars, not superheroes dressed as action figures, not music video shows with young cohosts—but reality shows, news shows for kids, whatever the FCC deems as content-driven, informational, and above all, quality kids' programming. Shows such as SCRATCH have clearly proven that given the opportunity, reality-based shows do not have to be boring; in fact, just the opposite. These shows can be very compelling, very watchable, and given more favorable time slots, financially viable when allowed to compete head-to-head on content, not who has the deeper pockets to buy time periods. *(note: When stations such as Bell-owned WFAA in Dallas and WCBS ran SCRATCH during its 9-11 a.m. kids' block, the show did extremely well, proving that reality-based shows can compete with cartoons.)*

Lastly, the cable industry also has to be held to the same programming standards as broadcast. In all fairness, most children (or most adults) do not discriminate between broadcast and cable programming; they watch whatever channel is carrying their favorite programming. In light of this, it is essential that the efforts of the FCC also carry over to the regulation of cable programming.

It is time to ask the television industry—stations, networks, studios, producers, distributors—to give back to the communities they serve. The FCC has the power to raise the jump bar for everyone. And kids deserve to make a choice between cartoons and educational-reality shows without having to wake up at the crack of dawn. I believe this, and the A.H. BELO CORPORATION believes this—it's time to level the playing field!

Sampling of "SCRATCH" Topical Stories: Teen Runaways, Teens Help Homeless, Gang Violence, Date Rape, Hanging with Gangs, Giving up Baby for Adoption, Teen Alcoholism, D.U.I Morgue Program, Eating Disorders, In Prison for Life, Teen Drug Addicts, Kids Living with Cancer, Young Woman with AIDS, Teen Suicide (two separate profiles—one on the family of the deceased; the other was a profile on a young woman who failed in her attempt and is on the process of recovery.)

Mr. MARKEY. Thank you, Mr. Takano, very much.

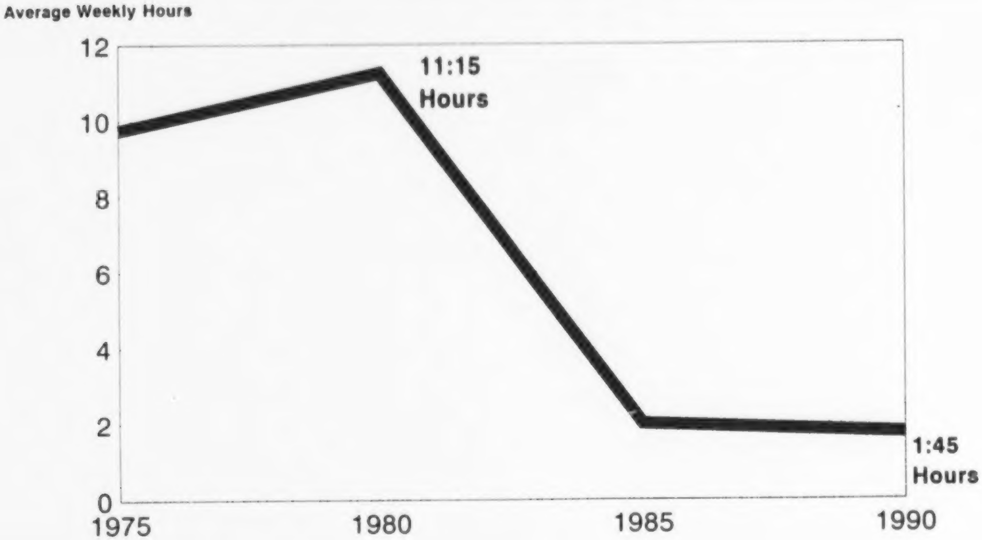
Now we will turn to questions from the subcommittee, and the Chair will recognize himself.

I would ask if you could please put up the chart so I could talk about this phenomenon which has occurred over the last 40 years or so in the United States.

[The chart follows:]

Educational Television for Children

ABC * CBS * NBC 1975 to 1990



The Rushnell Company 1991

Mr. MARKEY. And that is, if you go back to 1950 at the dawn of the television era, you would find that there was very little children's television programming, and then what we saw was a steady rise out of the 1950's until we reached in 1980 a peak. In 1980, the 3 networks put on 11 hours and 15 minutes per week, total, of children's programming.

Now as we all know, beginning in 1981 at the Federal Communications Commission a new attitude took over, one in which the Chairman of that Commission said that television was nothing more than a toaster with pictures, and children's television laws were taken off the books by the Federal Communications Commission. We then saw a precipitous decline that plateaued in 1990 at an hour and 45 minutes per week of children's programming by the 3 networks combined.

Since we passed the Children's Television Act, out of this subcommittee in 1990, overriding the Federal Communications Commission, we have seen incremental increases because the broadcasters know that their licenses are in jeopardy unless they have served the educational and informational needs of the children within their viewing areas, and have limited the number of minutes that they advertise inside of those programs.

But 1 or 2 hours is a disgrace compared to 1980 or 1975, or 1970, or 1965 or 1960, to tell you the truth. We have seen an all almost complete abdication of responsibility that was bottoming out until this subcommittee passed the law mandating that it be part of the licensing proceeding.

Now we hear about the quality of the programs that are on the air, and I don't doubt that they are high quality, those that are on, those few that are on. But the truth is, there isn't enough.

Now in my opening statement I made the point that in families with $15,000 or less yearly income, 60 percent of those families do not and cannot afford to subscribe to cable; 20 percent of all children in America are in those families. Forty-two percent of all children in America live in families with $30,000 or less, and I can tell you that they don't have a high percentage of subscription to cable either.

Now, the broadcasters came before this committee just about 2 months ago, hat in hand, telling us how much they wanted to serve America and saying if in our important telecommunications legislation we would give them more opportunities in this new world, they would be able to provide all these wonderful benefits to our country.

As a result, in the legislation which this subcommittee passed out just 2 months ago, we gave them spectrum flexibility to allow broadcasters to use spectrum allocated to them to provide a variety of services and to participate fully in the information superhighway. We are mandating that the FCC review cross-ownership rules that would allow them to take advantage of greater economies of scale in competition with cable and telephone companies. We mandate in the legislation that any telephone company that gets into this business has to carry all of the local broadcast stations.

We mandate these benefits and protections for broadcasters in the legislation. We give them the ability to identify their programs in any navigation systems in this 500-channel environment. We give that to them; we mandate it. We give them expedited dispute resolution. For any problems they have, we give them expedited dispute resolution. It doesn't take them 3 years to develop new concepts there, the way it might take them in children's television. There they want expedited resolution of conflicts with telephone companies with a bottom line.

But what is the value of that? The value of that is potentially billions of dollars over a decade, tens of billions of dollars of new opportunities for them.

Now look at this chart over here for these very same people who came in and testified before our committee. What are they providing to those children? They tell us that we should be more cognizant of their concerns because they are free over-the-air broadcasting, they serve the underserved in our country, that provide the information and educational information for those who are at the bottom part of the spectrum, who will not subscribe to cable. And, by the way, cable subscription is kind of bottoming out anyway. They only have 22 percent of the viewers all day long, 78 percent—78 percent of the viewers are watching television all day long every single day in 1994 anyway.

So what should we ask from them? What is reasonable? Mr. Takano over here has got a high quality program, wins all the awards that could possibly be given to a young producer of a teen-based program. There is no room on the schedule for Mr. Takano.

Mr. Takano, what do you think would be a reasonable number of educational programs that the networks put on the air each week to serve the children audience in our country?

Can you turn on your microphone, please?

Mr. TAKANO. As far as being quantitative, I do a weekly television show. That "Scratch" is a weekly half hour. We are more concerned about the blocks. Again, I don't know if it is so much one number where you can say it should be 7 hours.

Mr. MARKEY. Is there enough room for you, Mr. Takano?

Mr. TAKANO. No. I mean there is if you want to air me at 6 a.m. But it is just not—you can't make any money. We lost half a million dollars in 2½ years on "Scratch", and with the small budget that we operated on, that is a huge loss, and so I think it has more to do with time blocks than it has to do with overall numbers of hours.

Mr. MARKEY. So what is a time block if not time, Mr. Takano? I'm getting confused here.

Mr. TAKANO. Well, a time block—I mean it really is apples and oranges. If you give 2 hours a day between 5 and 7 a.m., it really doesn't matter because kids aren't watching television at all anyway. But if you say between 8:00 and 11:00 on Saturdays or between 7:00 and 9:00 during the week, well, that makes a huge difference, Saturdays and Sundays.

You know, Sunday a lot of networks or network affiliates have dropped a lot of the cartoon programming for local news. I mean they will run their news ad nauseam all throughout the morning, but they don't have any kids' programming on Sundays.

Mr. MARKEY. So what times would you like to have, Mr. Takano?

Mr. TAKANO. Oh, this is nice. Nine o'clock would be fine, Mr. Chairman. Nine a.m. on Saturdays would be fantastic for any reality television show that concerned itself with kids' issues, but, unfortunately, I don't think we—out of 135 markets, we did not have one 9:00 or 10:00 time slot.

Mr. MARKEY. You do not have one 9:00 time slot on Saturday or Sunday morning?

Mr. TAKANO. No. No.

Mr. MARKEY. That is unbelievable, Mr. Takano.

Mr. TAKANO. In fact, a couple of the stations, I believe, in the Midwest—I won't name them—would put us on Thursday mornings at 5:30 in the morning.

Mr. MARKEY. The numbers are unbelievable.

Fox is the best, by the way. Fox has 3 hours a week. They are the best of the group. They help the average. Fox helps the average. NBC is 2½ hours. CBS is 1½ hours. ABC is 1 hour a week. That is just completely unacceptable, especially given the role that they play in the development of the minds of children in this country, especially those who come from the lowest part of the economic structure in this country. They will cover it, but they are going to cover it in the evening news in 8 and 10 years when these kids are 13, 14, and 15, and they are going to wonder how it happens. They are going to wonder why.

They are going to do exposes of schools in crises and the families in crises and ignore the fact that the television set is on for an average of 6½ hours of every day in every home in America, and somehow or other that is going to have no impact on the way in which these children perceive their world.

It is irresponsible, and it begs this committee and the FCC to ensure that they do serve the children of this country and serve this country by serving those children. Broadcasters can help to solve a lot of the problems that we have, and they can't solve them by saying they are going to make more money by having additional economic opportunities.

They have to tell us in return what they will give to the American people for having been handed over all of this spectrum, all of this enormous economic opportunity which we give them. This is the people's airways, it is the public's airways, and it is not just for the wealthy, it is for the poor. It is not just for those that come from good school systems, it is for those that have already troubled school systems and need television to help improve, not aggravate, those problems.

Dr. Montgomery, what would you like to add?

Ms. MONTGOMERY. It has just been very dismaying to us to see the kind of treatment that a lot of these programs have gotten in terms of the schedule, and I think what Mr. Takano reports is representative of what a lot of the programs the industry call calls FCC friendly have been subjected to in this marketplace.

We are also concerned that if you look at the programming during the week, there isn't much programming on that is educational and informational, and we are conducting a separate analysis of that. We looked at the top 20 markets recently, for example, and found not only that there was not much of that programming that was on, but of the programming that was on, 44 percent of it was on before 7:00 in the morning, and of that, a quarter of it was on between 5:00 and 5:30.

So it is really clear, and it is evident in the TV Guide, you can see it just if you look, that a lot of the stations, unfortunately, are simply putting these programs on a log, as they say, for the FCC just to comply with the letter of the law, and it is clear also that the rules have to be made more concrete, not to dictate programming but to provide the kind of clear guidance that makes the law effective, and we are arguing for the processing guideline of one hour a week—I am sorry, one hour a day of educational and informational programming for children.

Mr. MARKEY. I agree with you, Dr. Montgomery. I think that without question the television set has become a toaster with pictures as far as children are concerned. It might as well be a toaster in terms of their needs and programming that fits their educational needs.

Ms. Mancuso, tell us what you think about those numbers. What you think your network should be doing in order to ensure that there is more and better programming for children on television?

Ms. MANCUSO. I am a little bit confused by the numbers on your chart, I have to say. But if I can be specific about NBC for a moment, as you just said, we are supplying 2½ hours of educational programming per week to our affiliates to air between 10:00 and 12:30 eastern time and 9:00 and 10:30 on the west coast. I think we are giving them—giving our affiliates quality shows. I think we are giving them shows to air in time periods when teens are awake and watching.

I think we are spending a fair amount of money on these shows. We produce them in-house, so the quality and the success of these shows is very important to us. We are taking a lot of the risk upon ourselves here. I think that we are doing our part. I also have to say that I think Margaret and some of the other broadcasters are trying very hard to do this.

But let me get back to NBC. If you are going to set quantitative goals, that is all that anybody is going to concentrate on. They are not going to concentrate on the quality, they are just going to concentrate on filling that limit. The minimum will become their maximum. I think you will discourage them from doing terrific PSA campaigns, specials, viewers guides, additional syndicated programming.

When we made the announcement, as I said, we were the first network to go on to the community and say——

Mr. MARKEY. But understand, Ms. Mancuso, that when Fox put on its daily children's educational program, it was the first time since Captain Kangaroo that there was a program on network television during the week. You understand that, don't you?

Ms. MANCUSO. I do. If you are looking to NBC, we are different——

Mr. MARKEY. I mean how are we discouraging anyone by setting limits on quantity if there is no quality—there is no quantity or quality from Monday through Friday on any network?

Ms. MANCUSO. I just think you are putting the emphasis on the wrong thing.

Mr. MARKEY. Well, what do we do from Monday through Friday then? How do we put pressure on if there are not quantitative levels for NBC, CBS, ABC Monday through Friday? They have not put on anything, and I don't think there is any likelihood that they will do so.

Ms. MANCUSO. You are talking about a different affiliate structure and a different business, NBC, CBS, and ABC, than Fox is right now. I can't legally force my affiliates to schedule programming in times when I think teens are home, which is in the afternoon.

Mr. MARKEY. Are you producing programming for them Monday through Friday?

Ms. MANCUSO. No, because I have a two-and-a-half-hour block every Saturday when most of the teens are watching in a terrific time period.

Mr. MARKEY. They don't watch television during the week?

Ms. MANCUSO. Not in the times that the network schedules.

Mr. MARKEY. That is what I am talking about Ms. Mancuso. I am talking about your problems, Ms. Mancuso. You have a great responsibility, but what you are telling us is that the network will not give you the time when you know the teens are watching, much less preteens, much less very young children. They don't give you the time. They don't make it available to you. They don't make it available to Ms. Loesch. They didn't make it available to anyone who is given this responsibility.

I think you do an excellent job with what you are given. What I am saying to you is, we have to help you to get the time you need when the children of each one of these age categories are watching so that you can provide for them.

Ms. MANCUSO. Let me say one more thing. You are also taking away kind of the spirit of what was first cited in the Act, which was that each market should assess the needs in that area and respond directly.

Now there are some wonderful children's blocks of programming every afternoon in syndication, the Fox block, the Disney block. If one of my affiliates——

Mr. MARKEY. Disney is on where?

Ms. MANCUSO. Is in syndication. I am talking about afternoon blocks of programming.

Mr. MARKEY. Right. But it is not run on the 3 major stations, which still have, by the way, 65 percent of the audience all day long every single day, those three networks.

That is why this Fox-CBS story is such a big story, because if you have got number 2, 3, 4, 5, 6, 7, 8, 9, 10 as your number, that is a big deal, that is where people go. We know that as a Nation. That is why it is called a revolution when that kind of a transaction takes place. So it can be on channel, you know, 73, but they don't have the audience. We are trying to help you. We think you do an excellent job, Ms. Mancuso.

Ms. MANCUSO. And I appreciate that very much.

Mr. MARKEY. And you do. With the time you are given, I think you are trying very hard to put on quality programs. The same thing with Ms. Loesch. I just think it is kind of an interesting situation that it is Fox that is leading the way.

Ms. **MANCUSO.** I would just caution against an arbitrary mandate—number of hours. Every market is different really.

Mr. **MARKEY.** You don't do anything Monday through Friday, Ms. Mancuso.

Ms. **MANCUSO.** No. I do it when many teens are watching. But many of my affiliates may do syndicated programming.

Mr. **MARKEY.** Monday through Friday, you don't do anything. What are we supposed to do? A mandate can't harm. If we mandate it, all we can go is up from zero.

Ms. **MANCUSO.** I am not an independent station. I am a network that doesn't schedule 24 hours a day for my affiliates.

Mr. **MARKEY.** Well, what do you do for your owned and operated stations?

Ms. **MANCUSO.** Our owned and operated stations run our Saturday morning programming.

Mr. **MARKEY.** What do they do Monday through Friday?

Ms. **MANCUSO.** Monday through Friday, there are a few different scenarios.

Mr. **MARKEY.** No. What do you do for your owned and operated Monday through Friday?

Ms. **MANCUSO.** PSA campaigns, intersticials, no regular core programs.

Mr. **MARKEY.** Nothing?

Ms. **MANCUSO.** No.

Mr. **MARKEY.** OK. Thank you. My time has expired.

The Chair recognizes the gentleman from Texas.

Mr. **FIELDS.** Thank you, Mr. Chairman.

This is a very interesting hearing, and it is interesting in that we are not sitting here as Republicans or as Democrats or as conservatives or as liberals, we are really sitting here as a panel of parents representing other parents, and philosophically I am with you Ms. Mancuso. I have a difficult time, if not an impossible time, with Government mandates and Government involvement in program content.

But to me, while there has been some improvement, and I alluded to that in my opening statement, I would tend to agree with the chairman and many of the witnesses that children are still not a priority, and I didn't say the only priority that you should have, but I do think they should be one of the priorities, and I think the priority in the sense of our broadcasters being good corporate citizens, not doing something just to meet a license obligation, and that really leads me to a question, and it really is an offshoot of what was mentioned a moment ago by Chairman Markey.

As much as anyone on this panel, I have tried to work with our broadcasters as we drafted legislation, as we have passed legislation to build, enhance, develop this information superhighway that everyone talks about. We did this also with cable, we did it with telephone long distance, consumer-oriented groups, we tried to work with everyone to make sure that this information superhighway, when it finally comes to fruition, that it is built properly.

But since today we are talking about over-the-air broadcasters and children's programming, I am particularly reminded of a certain provision in this new legislation, and the chairman alluded to it just a moment ago, and that is spectrum flexibility where we give broadcasters the opportunity to squeeze several signals in their spectrum. Now I assume that this is going to enhance the revenue stream of each and every broadcaster, a tremendous opportunity.

And my question is, with this new flexibility, how much of an obligation are our broadcasters willing to assume relative to our children? Because there is a real question right now. Are the broadcasters going to come forward and be proactive, or is the FCC going to come in with additional obligations?

And, Ms. Cochran, I would like for you to respond to that if you could. Ms. Mancuso. Ms. Loesch.

Ms. COCHRAN. Well, I think there is another issue too. I also am opposed to mandating a quantitative amount of time because unless you roadblock, per se, a time period, and that is, you know, say that there is going to be no other programming available at that time other than educational, the children have the option of switching the channel, and they will switch the channel.

Mr. FIELDS. Ms. Cochran, let me stop you from responding to the question I asked you and go to that specific point, but I am going to come back to the question I asked, and, Ms. Mancuso, I will ask you also, because when I heard your testimony just a moment ago, I harkened back to my days working my way through college and law school selling cemetery property door to door. I have got to tell you that has got to be one of the toughest things to sell.

But as a person who owes his livelihood, his education, to selling, I am certainly appreciative of your situation because you are in a for-profit business and your business revolves around selling advertising, and I understand that. But I am also appreciative of the fact that there have been good educational programs that have been commercial successes. You mentioned Xuxa earlier. My little 4-year-old watches Xuxa. In fact, she liked it more when it was in Spanish than the English version, and certainly Barney is one that she watches on a regular basis, a great commercial success. I do not believe that good quality educational programming has to be mutually exclusive of something that is entertaining and something that does create a revenue stream.

Now I have a difficult time not understanding why our broadcasters haven't focused on that type of programming in a proactive sense so that this panel does not have to come back and, either through legislation or through our bully pulpit, create some new regulatory scheme. I don't understand that as a fiscal Republican conservative.

So would you respond to this, why there has not been a focus on creating that type of programming that does create a revenue stream that is also educational?

Ms. MANCUSO. Our goal is always to turn a profit on these shows; don't get me wrong. It is a little easier for some other people maybe than it is for us because we are launching what is clearly going to have the look and feel of an educational 2½ hour block, but that is my challenge. I can do it. That is my challenge. I can take a show and make it engaging to watch as well as something that meets the guidelines of the Children's Television Act.

Mr. FIELDS. Ms. Mancuso, and, again, I hate to interrupt because I want Ms. Cochran to come back and respond to both questions

I have asked. But let me tell you the position I am in. Some of us on this panel have said let's allow our broadcasters to be the good corporate citizens, to come forward and to do what we think makes sense. You have got a public service obligation.

As someone who has been in sales, I don't understand why there cannot be that focus on creating an educational show that is also commercially feasible, and as I am sitting here, I tend to believe that there just has not been the proper focus. Now for those of us who don't believe in mandates and want to give you the opportunity to come forward, we are beginning to have a very difficult time.

Ms. MANCUSO. All these things are works in progress. Let me tell you, when we set out to do "Name Your Adventure", none of the producers, nobody in the production community, nobody at the networks had ever developed educational programming for teenagers, so you are going to put shows on that are going to fail, and you are going to try again, and you are going to do it until you get it right.

There has only been a handful of successful preschool educational programs. They have been on forever, and they are wonderful, but nobody else has really tried it. Margaret is going to fail; she is going to try again. These are very difficult, very difficult things to accomplish.

The same goes for 6 to 11-year-olds. We are all trying, believe me. We got the word out to the community, and they are responding, producers, the writers, but my writers aren't used to working with educational consultants every day. This is tough. Every day in the meetings and at every run-through they are getting notes not only from me now but from educators, and this is a new age, and we are responding, but we are learning every step of the way, and I think Margaret would probably agree with me on that too.

Mr. FIELDS. Ms. Cochran.

Ms. COCHRAN. I was going to point out that in 1990—and this information is based on really what I think that we would all agree are educational programs now, the programs that have maybe a little gray area to them because I don't want to get into that debate. But we looked at the shows that were available in syndication in 1990 before the Act went into effect, and there were eight, a total of eight programs, syndicated children's educational and informational programs. In 1993, that number rose to 23. So I think that—I firmly believe that there is an effort.

You have to understand that in total programming produced there is about a 75 percent failure rate, and I am talking about general audience programming, so that, in support of what Ms. Mancuso said, it does take time to get successful shows into the system.

As far as the time period question, the statement that the majority of time periods are poor simply cannot be supported by fact. INTV did a survey that shows that 80 percent of the regularly scheduled half-hour children's educational informational programs that are aired per week, 80 percent air after 7 a.m., and I have the numbers to support that.

So I wouldn't dispute that at this point more progress needs to be made, but there is continually work being done. I get the feeling from the panel, the general feeling, making generalizations that nothing is being done, and that is simply not true. I mean I do believe that broadcasters take this seriously.

Chairman Markey, I understand that you do not give as much weight to short segment programming, and I can appreciate that, but a lot of that is being done is not counted in these numbers. So the numbers actually are higher than this.

Mr. FIELDS. I can't tell you what Chairman Markey gives weight to. I can tell you as a parent sitting there with a 4-year-old, watching TV on Saturday mornings, I think there is a void. I say that as an individual parent, but I also say that as a representative because when I am out at Rotary meetings, Chamber of Commerce events—my wife is on the school board in our town—people are very concerned about what is available to their children.

I read Mr. Britt's three-point test on what is educational programming. As, again, someone who doesn't like mandates and program content, I have a problem with what Mr. Britt is suggesting. I have a problem at this point.

Now I am not going to say to you that I am going to have a problem in the distant future with this particular point, and I would certainly hope that our broadcasters would take the message not only of the chairman but people on this side of the aisle that something has got to be done, and if Chairman Markey's chart is accurate and there has been that type of precipitous decline in the educational material and programming that is available to children, that is alarming, and to say that you are having to scramble to come up with all these new ideas, you know, just sitting here, I have to ask myself, what has happened in the last 10 years?

Mr. MARKEY. The gentleman's time has expired.

The Chair recognizes the gentleman from Oregon, Mr. Wyden.

Mr. WYDEN. Mr. Chairman, I think I will pass for just a moment.

Mr. MARKEY. The Chair recognizes the gentlelady from California, Ms. Schenk.

Ms. SCHENK. Thank you, Mr. Chairman.

I am a little bit frustrated, because I think the people that I want to ask questions from are really not the people that are here. There are others who really can provide the answers and the decision making. But I will do the best that I can with the people that we have here, and I do appreciate your all appearing.

In the report accompanying the testimony of Dr. Montgomery, there is a quote here from Squire Rushnell, the former VP of children's programming at ABC and now president of his own company. He says "Sonic, the Hedgehog" doesn't make it because it is a good program, it makes it because Sega is willing to put in extra dollars for advertising and promotion. I really think that is what it is all about, and I know that most people in this room agree. Much of the discussion is about money, and it is about competition.

So if Broadcaster A won't put on an educational show at 4 o'clock in the afternoon because Broadcaster B is running some violent cartoon that draws all the ratings and the advertising, it seems to me that if we mandated an hour of educational television, let's say every weekday, or the 10 percent that Mr. Britt was talking about, and say mandate that at 4 o'clock, the networks would be forced to compete on a level playing field and produce the best educational show possible, and it would seem to me that they wouldn't throw away that hour where they are all competing on a level playing field.

So, Ms. Mancuso and Ms. Loesch, if you would care to comment. I am just having trouble understanding—and Ms. Cochran as well—if everybody has to compete in that hour, wouldn't you put your best programming on possible so that you would have both quantity and quality?

Ms. LOESCH. First of all, it isn't a level playing field. But to answer your question specifically, I think I need to explain—my friend Linda is getting nailed over here—Fox has an advantage in that we do program for children 6 days a week. That is the way we were set up when we were founded in 1990, and we do programs in the afternoons. NBC has other programming and traditionally has had other programming in the afternoon. So NBC's entire children's programming block on Saturday is devoted to the teen awareness issues.

As far as Fox, at 4 o'clock every afternoon we have a program called "Animaniacs." "Animaniacs" has been cited by the NEA and has received a Peabody Award and is clearly an entertainment program. It wasn't designed as an instructional programs, it was designed to entertain children. However, within that show we do have informational and educational segments.

Now to answer your question most specifically, if all broadcasters were required to have this type of programming, it would have to include syndication, it would have to include cable and the networks to be on a level playing field. So I think there is a real issue of logistics, and I am not sure it would even be possible.

The key, I think, is to give the kind of flexibility that you have been giving and keep everybody's feet to the fire to have more and better programming content that deals with educational issues.

Ms. SCHENK. The problem is, in this same report it says that major syndicators are only introducing 5 new programs for fall of 1994, 5 new educational programs—that is from Broadcasting and Cable News—compared with nine such shows this time last year. So somehow the flexibility is not encouraging this competitive environment that we all wish would result in the kind of shows that the public wants and that the children should have.

I don't think anything is impossible, and if we are coming to the point where we are talking about mandates, we can do it with the help of the industry or without.

Ms. LOESCH. May I just interject something else, just for information?

Ms. SCHENK. Certainly.

Ms. LOESCH. You know, each market is different, each city is different, and, for example, we are going to be scheduling a program this fall Monday through Friday in addition to Saturday—well, it has been on Saturday—"Bobby's World", which is an entertainment show but has clear social messages. It deals with family structure. It is a very fine little show. We have had a request from our affiliates—well, we have scheduled it at 7:30 every morning Monday through Friday starting in September, but an interesting situation has occurred where we have had a request from different affiliates that in their markets, for example, more children are available at

7 o'clock; in a few markets more children are available at 6:30 in the morning, which is a surprise to me, some of the northeastern cities; and in other markets eight o'clock are more children. There is the issue of flexibility I was talking about. If you pick one time period, while you may resolve the competitive issues, you may indeed not be getting all the children available.

Ms. SCHENK. Yes, Dr. Montgomery?

Ms. MONTGOMERY. Yes, I just wanted to address that question. I think that what disturbs me the most here is that I don't that the decisions that stations are making as to when to put educational programs on are, for the most part, being governed by whether or not children will be there to watch those programs, plus there has been a—so that is why we have them on at 5 o'clock and 6 o'clock in the morning.

In fact, there are a lot of kids that are watching TV in the afternoons, and while there are a couple of syndicated blocks of programs that are primarily entertainment, there really aren't any programs on during that period of time, for the most part, that could educate kids even though those programs exist.

There are some good news programs for children that are out there, but they are just hardly on at all during the week, from what we have seen, and what concerns me really the most is that we have had this opportunity with the pressure around the Children's Television Act particularly during the last year to see some growth in that marketplace, to see some syndicators coming forward, some producers coming forward, and there are lots of people in that business who really would like to do terrific programs for kids, but these shows have just not been given a chance.

So if you get a show on the air and it is not reaching kids at all or it is not reaching them enough to be viable, these shows will disappear, and unless we have some clear guidelines that help to create a more level playing field, we are going to find that our opportunities will be missed.

Another thing that I want to really emphasize here, too, is that when we looked at the network programs, we found that there was a lot of preemption going on, that stations are making decisions to run a sports program instead of running something like "Beakman's World", and "Beakman's World" is a good example of a show that from 17 weeks, from December through March, was preempted on the west coast 14 of those times, so kids didn't even know they were there.

It is very hard to see these shows become viable if that is what happens to them, and it is everybody's responsibility in the business to make it work.

Ms. SCHENK. Thank you.

Mr. Chairman, in light of our vote, I will yield back the balance of my time and thank you very much for holding this hearing. I hope we will have more of them.

Mr. MARKEY. Thank you.

I am going to yield to Mr. Hastert, but I just want to point out—and, Ms. Loesch you are familiar with this—the news has been filled recently with the conversion of the 12 network affiliates over to Fox, which is good news for you, except the local affiliates, all 12 affiliates are going to reject the children's television block for all

12 stations. So that is the affiliate story that was mentioned by Dr. Montgomery.

So you have picked up 12 new stations that are in bigger markets, but each one of the affiliates is not going to accept the children's block, they are just going to fill it with something else, and that is part of this overall story that we have to begin to discuss.

Let me yield to Mr. Hastert.

Mr. HASTERT. Just very shortly, Mr. Chairman, because of time. It is interesting to listen to you today, and I guess I don't watch very much TV, to be very frank, but I do have children at home, and they are getting older all the time. It is amazing, my youngest son is just 16 years of age. I thought all of a sudden the only TV things that were on Saturday morning were fishing shows. But I must be wrong, there must be something else on because I thought they had changed about 3 years ago, because before that the only thing I thought was on was MTV. So, you know, it is what kids like. That is my next oldest son who is now 18 years of age. But it seems that children make those choices and older kids make those choices too. I guess I would rather have them watch fishing shows. Maybe that is more my avocation than anything else.

But let me ask you a question. There is some flexibility, because of course, your affiliates have choices of what they are going to put in that programming. If you are in the southeast United States it is going to be one thing, and some place else it is going to be something else.

But do you feel that the FCC, because that is the real issue out there—the FCC is the governing body and they are going to be coming out with rules for implementation of the Act, and they are going to be measuring compliance—but do you think they give enough guidance to your networks so that you can comply? Last year there were ambiguities, but I think the FCC has spelled out a preference for programming specifically designed for children's needs. Do you want to address that? Do you need better guidelines?

Ms. LOESCH. Well, there has been an issue of the ambiguities. Look, you know, the fact is that those few stations that cited the Jetsons and Flintstones as educational, it was a preposterous situation and it put us all in a bad light, and, believe me, that was only a few, it is not the norm.

We know what is educational, informational. We know if the program's primary purpose is to instruct or inform or teach. I think that the guidelines at this point are clear, and I think that there probably is still some recurring confusion among our affiliates, but I don't think there is any confusion with regards to the programming that we are offering.

"Carmen Sandiego's", for example, clearly primary purpose is to teach, as is several of our other shows, as are NBC shows. So I don't think that confusion still exists, and I just would like to respond to Mr. Markey's parting words about our FCN not going on the new affiliates. You can imagine my chagrin. However, what we are going to do is go into other stations in the same markets and offer our efforts on en bloc.

Mr. HASTERT. Fine.

Would anybody else care to comment on that? It is not a shrugging of the shoulders and saying, "Well, the FCC is not definite enough or they are not giving us enough guidance on that?" You are not looking for more guidance from the FCC?

Ms. MANCUSO. No, we really aren't. As we said before, we have been testing the grounds from the day the—and even before, but especially since the time the Act was passed. Developing, airing shows, watching what happens in syndication, cancelling shows, renewing shows. This is an ongoing process, and we are all learning a lot, and we really don't need the guidelines from the FCC.

Mr. HASTERT. Well, I'm not going to lecture you, I will leave that to the chairman, but I think one of the things you really need to think about because, as Mr. Fields said, this is a bipartisan issue, and it cuts across party and philosophical lines, is that you need to do a better job. How are you going to do that? We need to come up with some answers together.

Thank you. I yield back my time.

Mr. WYDEN [presiding]. I thank the gentleman.

I want to apologize to the witnesses for being out a bit. Let me, if I might, start with you, Ms. Mancuso.

As I said in my opening statement, what this really comes down to for me is that I see the networks; when the networks are talking about an Amy Fisher show or a Menendez show, they have virtually overnight with resources the ability to get a decent time slot and promote it, make extraordinary ratings happen, and what I have been concerned about is that there is nothing resembling that kind of commitment with respect to children's TV, and I want to start with this view. I think you have expressed and the network has expressed it in the past with respect to the idea, well, if we are forced to do quantity, this will in some way produce a situation where there won't be a good quality and people will just sort of go through the motions and reach the quantity standard.

Well, if you say that, you are making my point. Why not have the Congress work with the FCC, people like yourself, to set a reasonable requirement in terms of what the quantity of broadcasting ought to be and then say, your network and others, to the Congress, we will put the same effort in terms of ensuring good quality, lots of promotion, all the marketing in terms of trying to get good programs on there rather than just junk?

My concern is, by saying that if we were just forced to do quantity, you are really making my point that what this is really about is commitment and a real specific commitment to push as hard on children's TV as you do on something like the Menendez film or something like it.

Ms. MANCUSO. I am not against us working together for better children's programming. I am against setting an arbitrary national number that may not apply to many of the markets. That is what I am against.

As far as the resources put towards children's programming as compared to that in prime time, I can't speak for CBS and ABC, I can only speak for NBC and tell you that, again, we deficit a lot of our own money in producing these shows. We have given our entire block over to qualifier shows, and we promote them and market them, and that is where NBC is right now.

Mr. WYDEN. Is it that concerns about quantity automatically lead to a sense that it won't be good quality if the commitment is there?

Ms. MANCUSO. Because when you talk to a network like myself, you are also talking to 213 markets, and each one of those markets is different. The best thing I can do is supply my affiliates with a strong foundation of 2½ hours of educational, informational programming for teens. This could make them a leader in their market for children's television, and I would like them to supplement that in whichever way makes sense for them.

Mr. WYDEN. It just seems to me that if the Congress and the commission at some point say you have to put on a reasonable number of shows in a good time slot, if you all come to us and say, "Well, we're not going to be able to get a good show then, and we are not going to be able to get good ratings", it is the fault more of a lack of commitment on the part of networks than on the part of something like the Congress trying to micromanage communications.

Now, Ms. Cochran, let me turn to you, if I might. You say on page 13 of your prepared testimony that all the broadcasters share the same goals, providing educational and informational programming to the Nation's children. Nevertheless, the Government cannot ignore the commercial realities of the marketplace. Indeed, commercial realities are predicated on the viewing patterns of the children themselves.

My question to you, Ms. Cochran, is what kind of a rating doing something like "Seinfeld" or "NYPD Blue" would get if it was aired real early in the morning like four or five o'clock?

Ms. COCHRAN. I am assuming that is a rhetorical question.

Mr. WYDEN. Pardon me?

Ms. COCHRAN. I'm assuming that is a rhetorical question.

Mr. WYDEN. No. I mean the point is, I think you are going to agree with me that it is probably not a very good rating, and Ms. Montgomery has testified that low ratings for many educational kids' shows are caused by the fact that they are pushed into lousy time slots because the toy-related shows pay heavily for the prime slots.

So what we would be concerned about is whether or not the commercial reality of payments to stations rather than the popularity of educational shows is essentially causing some of the shows to have low ratings.

Ms. COCHRAN. I believe you were out of the room when I stated that our numbers do not support Dr. Montgomery's statement that 80 percent of the regularly scheduled half-hour children's education and informational programs that air per week, 80 percent of them air after 7 a.m. So the number tossed around on, you know, the 5 a.m. or 5:30 can't be supported by our research.

Mr. WYDEN. No. I think that really misses the point.

Ms. Montgomery, if you want to add to that, I mean my sense is that these commercial shows wouldn't get good ratings if they were aired at some of these hours that children's TV is aired. I think that is the bottom line, and I think again it reflects a lack of commitment to really turn this situation around.

I mean we can have oversight hearings on this subcommittee forever and ever. I compared it to Charlie and Lucy with the football: You know, "Trust us the next time." I don't know how many oversight hearings I have sat in on, and I think when you hear someone like Jack Fields, not exactly a wild-eyed liberal on these kinds of concerns, being at least as vigorous as someone like myself on this, I hope it would send a message to you all that there is some work to do to turn this thing around

Ms. Montgomery.

Ms. MONTGOMERY. I just wanted to say that if you open up a TV Guide you can see what we are talking about, it is pretty clear, and we based our numbers on an analysis of TV Guide's, and we are continuing to do that, and we will have more numbers when we appear before the Federal Communications Commission.

But also, everybody we talked to who produced and syndicated so-called FCC-friendly shows reported over and over and over again that their shows were being relegated to the 5 a.m., 5:30, 6 a.m. time slots, and this really was killing a lot of them off. Mr. Takano can testify and has testified already to that. This is a persistent pattern.

Mr. WYDEN. Now?

Ms. LOESCH. I would just like to add that the Fox Children's Network has long advised our affiliates that even though the FCC isn't specific about time periods, that we advise that any program that they want to log as educational or informational air at 7 a.m. or later, and we think that by and large that is being followed.

Ms. MONTGOMERY. May I just add something there? If that is the case, then if we have a rule that specifies it, it shouldn't really make any difference to anybody.

Mr. WYDEN. Ms. Mancuso, as the subcommittee understands, in 1980 the average network showed about 11 hours of educational programs for kids. That is over four times as much as NBC appears to show today. Do you know how many hours of such shows NBC aired in 1980?

Ms. MANCUSO. I'm sorry, I don't know. Actually, Margaret was there, I think.

Ms. LOESCH. Well, I left NBC In 1979 to go to Hanna Barbara, but at NBC our regularly scheduled children's programs were from 8 a.m. on Saturday morning until 1 p.m. That is 5 hours a week, and in addition there was a monthly hour children's special. So I am confused about the numbers on the chart.

Mr. WYDEN. Well, our understanding is, 11 is the average.

You know, again, there are lots of ways for Government to approach this, and I think I have made it very clear that I am quite willing to look at an approach that gives networks a considerable amount of discretion in terms of how you define educational programming and the quantity.

But you have a situation today where the networks, I guess—CBS seems to have spent millions of dollars—I guess, lost millions of dollars on baseball in one year. Now they are not going out of the sports business, they are working on the sports business, and yet you all come and, without the same commitment in terms of trying to put the shows together, market them, and promote them, saying, "My goodness, children's television isn't going to make money, and please, Congress, leave us alone."

So it really does seem that there is a double standard in terms of programming, and I am talking about a double standard with respect to commitment. The commitment is there for things that networks believe are going to be cash cows, and I have mentioned some of the shows and sports and the like, and the commitment doesn't seem to be there for these kinds of important children's programs, and I think what you all are doing is essentially inviting Mr. Markey and Mr. Fields to put together legislation that will be widely supported on a bipartisan basis that this committee is going to pass that, in effect, says "Enough already, we have heard you all tell us again and again that it was coming", kind of like the marquee at the old movie house that says kind of, "Coming soon", and it never quite gets there, and in that regard I think it is going to be a development that will probably be forthcoming quite soon, given the feelings of the members today.

I note that the chairman is back, and let me relinquish the chair.

Chairman Markey, do you desire to have any additional questions.

Mr. MARKEY. Yes, if I may.

Mr. WYDEN. I am happy to yield to the rightful chairman.

Mr. MARKEY [presiding]. Thank you, Mr. Wyden, very much.

Ms. Mancuso, earlier you said that you were confused. Can you tell us why you felt confused?

Ms. MANCUSO. Yes. I am confused by the numbers on the chart, that dip. I have no logical reason for that dip.

Ms. LOESCH. It is a funny position. I'm speaking for NBC. As I said, we are both a little confused. Having been in this business so long, and having been at NBC and ABC, when I left NBC In 1979, and it remained the case in 1980, the amount of dedicated children's programs that were being broadcast by NBC In 1980 was 5 hours per week on Saturday mornings and one hour per month in the form of specials. So Linda and I share the confusion.

By the way, the other networks were generally the same, although CBS went to 1:30. They had 5½ hours. The only thing that I can suggest is, perhaps some prime time programming may have been included in that. So that is why we are a little confused.

Mr. MARKEY. The numbers that we are working off are from a study done by Squire Rushnell who was the vice president of children's programming at ABC. So he has got some credibility, does he not, Ms. Mancuso—Mr. Rushnell?

Ms. MANCUSO. Sure, he does. I wish he would have continued the chart through the 1994/95 season too, because I think there is a good story to tell.

Mr. MARKEY. Well, it is going up. But he is giving us the history of the three networks, and his experience, and I think that he was there at the relevant time.

Mr. Britt.

Mr. BRITT. Mr. Chairman, I can't speak to those particular numbers with respect to those particular networks, but I think in a certain sense, regardless of those particular numbers, if you look at the amount of programming aimed at children that is broadcast on television stations, that includes independents over that period, the amount of television programming aimed at children has gone up very, very, very sharply.

I remember reading that in the case of New York, I think in 1970, there was something like 10 or 11 hours of children's programming a week and by 1980 it was much more than that, and today it is something like 65 or 70 hours a week, so that even if those numbers are off by a little bit, the fact of the matter is that if you looked at the amount of educational programming for children against the trends of the total amount of programming for children, you would see that line going down, not up, and I think we really need to remember that as we talk about what is doable.

And I would like to add one other thing, and that is, as I have listened to the questions and the responses, it does seem to me that we continue to have this buy-in to the conventional wisdom that somehow educational programming just ain't up to it in terms of getting audience, and, Mr. Chairman, that is just not the case.

It is hard, it is difficult, there are failures, and, as somebody else pointed out, there are failures in straight entertainment programming, and yes, it is difficult to work with educational advisors, but it is doable, they are human beings, and a lot of people have been doing it for a long time with a lot of success.

So I think we must not buy into this notion that it is just not possible to do quality educational programming that kids will watch. It is not the case.

Mr. MARKEY. Barney or Big Bird are just as popular as Michael Jordan with a small child.

Mr. BRITT. With shorter people; yes, sir.

Mr. MARKEY. With shorter people.

Well, I guess all I am saying is that it takes a commitment to the program over time and with proper marketing, and you have to feel it is important as a product on your network, and you are going to make a commitment to it.

Mr. BRITT. And you have to put in the same, perhaps more, creativity. At least our producers say that it is even more difficult to do quality educational programming, and you have to have that commitment and that creativity as well as the educational advisors, but it is done and it can be done by everybody.

Mr. MARKEY. I was just watching the 25th anniversary of "60 Minutes", and they make a big point in the program that when they put it on for the first year it was the 81st program rated out of 81 programs on television. They didn't cancel it, and the second year and the third year—it took 5 years, 6 years of commitment in prime time to develop an appetite in the public to continue to improve the product.

But they are not making that commitment in children's television, they have given up, and what little they have comes grudgingly and at hours that are preemptable. There is no priority, in other words, there is no commitment: "Stick with this program; it is going to be good. It might take us a few years, Mr. Affiliate General Manager, but, you know, we expect you to stick with this one", and they do say that about certain programs, we know they do that, OK? They tell people which programs they don't want them to preempt. Those are the words we want to hear coming from the top down, and I don't think that happens, Mr. Takano.

Mr. TAKANO. The issue—when Mr. Wyden was taking your place there for a little while—as a show supplier, the whole quality, quantity issue befuddles me basically because—and I don't mean this to sound self-serving at all, but our show has been on thin ice for quite a while, and we have approached every network plus Fox about buying the show, and, you know, everyone is talking about risks of doing pilots and costing anywhere from a half million to $1 million, and that is a huge risk, but our show is available and nobody will even talk to us about it, and that, to me—again, I don't mean to sound self-serving or create any adversaries here, but it just doesn't seem to be a very viable argument to me.

Mr. MARKEY. Ms. Mancuso, how do you respond to that? He has got a program. It has been a success. It is award winning.

Ms. MANCUSO. He knows I am a fan.

Mr. MARKEY. You are saying how hard it is. You said to us earlier that it is a difficult experience to inject this educational component into the minds of creative people who work at the networks.

Ms. MANCUSO. And I also said to you it is my challenge and I will meet it.

Mr. MARKEY. Well, is he not a good weapon to use in your discussions?

Ms. MANCUSO. I had four or five meetings with the "Scratch" people. I am a huge fan of "Scratch", and we looked at it for a few months, and I really enjoyed those meetings, and we tested the program, and we looked at what we had, and we just frankly decided that "Name Your Adventure was a better program, and we kept that on the air.

Mr. MARKEY. But why don't you add on a extra half hour?

Ms. MANCUSO. We did with other programming.

Mr. MARKEY. I mean it is not a competition between two good programs. You don't have enough quantity on, and if you can find another good program, why don't you just dump some other programming that is not targeted at children and put on a good program?

Ms. MANCUSO. I am really comfortable with the fact that at the moment this 2½ hour block of very high quality educational programming that really spans gender and cultural difference—we try to appeal to all of the 13 to 16-year-olds—I feel real comfortable with that right now. So many wonderful shows walk into my office, and I can't buy them all.

Mr. MARKEY. Well, that is exactly the opposite of what you said earlier. You said that there isn't enough good programming and it is hard to get people who work in the network to kind of adjust to this educational orientation, it is going to take time. Now you tell us that there's loads of wonderful programming that comes in but you feel comfortable with only 2½ hours a week.

Ms. MANCUSO. When a program comes in the door, it is a sentence on a piece of paper, and it is people, good people, that back it. That is what I am saying. There are good people that will come in with good ideas. Now getting that from there to the air is a long process. I'm not negative. I'm not negative on it.

Mr. MARKEY. But not only is it a good idea, Mr. Takano has a good program; it exists. It is an award-winning program, and you agree with it.

Ms. MANCUSO. Absolutely.

Mr. MARKEY. You agree it is a good program?

Ms. MANCUSO. Absolutely.

Mr. MARKEY. But there is no room for it at CBS, ABC, or NBC.

Ms. MANCUSO. I can only speak for NBC.

Mr. MARKEY. Well, the facts speak for themselves.

Ms. MANCUSO. There are some other programs I like as much as "Scratch" that came in, and if I had 24 hours a day to schedule, boy, you know——

Mr. MARKEY. Well, that is our job. Our job is to help you to get more time, Ms. Mancuso. I know you are sent here to say you are comfortable with only 2½ hours a week for 70 million children in America. We are saying to you we are uncomfortable with only 2½ hours a week by the National Broadcasting Company who then ask us to give them additional benefits in the telecommunications legislation we are going to pass.

We are considering the most important telecommunications legislation since 1934 in this committee this year, and we are taking care of the broadcasters because they argue that they care about the public audience that the cable industry ignores, and we are uncomfortable with only 2½ hours a week of educational children's programming.

We want to help you, Ms. Mancuso, in your next meeting with whoever your boss is in just saying, "How about an extra hour? We have got this guy Takano, and we have got somebody else who is doing another program, and if we could get an extra hour, I think I can give you another good program that you could put on." Wouldn't you like us to help you in that meeting?

Ms. MANCUSO. Well, I have to say——

Mr. MARKEY. Mr. Takano, would you like to see——

Ms. MANCUSO. Margaret is going, "Take the hour, take the hour."

Mr. MARKEY. Would you like to see an expansion of children's programming on NBC? Would you like to see more quality children's programming on NBC?

Ms. MANCUSO. If it would be appropriate for the network and if we could still stay in business and be a successful broadcaster, yes.

Mr. MARKEY. Do you think you can make money doing quality children's programming, Ms. Mancuso?

Ms. MANCUSO. Yes.

Mr. MARKEY. You do?

Ms. MANCUSO. Yes.

Mr. MARKEY. So making money and having quality children's programming are not inconsistent concepts?

Ms. MANCUSO. No.

Mr. MARKEY. And will you also accept the fact that children who come from families of $15,000 or $30,000 or less are notoriously miserly in terms of their expenditure of thousands of dollars on equipment that comes easily in yuppie families with discretionary income of $50,000 or $60,000 or more? Would you agree with that, and that as a result the responsibility falls upon the networks and the other broadcasters to provide for those children? Will you accept that as well?

Ms. MANCUSO. Yes, we take the responsibility very seriously—a very powerful medium. We take it seriously.

Mr. MARKEY. Well, we are going to help you, Ms. Mancuso, to help your bosses to discharge that responsibility, and we think you should get more time because Mr. Takano, with a program that works and doesn't need any more development, should be on the air.

Mr. WYDEN. Would the Chair yield on that point?

Mr. MARKEY. I would be glad to yield.

Mr. WYDEN. I thank the Chair because I think the Chair is making an important point.

Ms. Mancuso, I think it is great that you have 2½ hours for teens. What do you have in a typical week for young children, say under 12?

Ms. MANCUSO. We don't have any regularly scheduled programs for children under 12. We made the decision to serve this small segment of the kid population which really was not being served anywhere else. As a matter of fact, when we made that decision, all the teens who were watching our show, "Saved by the Bell", they came to rely on us for their entertainment on Saturday morning, and we said, "We have got something here, they are looking at us, they are looking at our characters as role models; let's build on that strength and do more of the same."

Mr. WYDEN. In a typical week, how many hours will you have for game shows?

Ms. MANCUSO. On the network?

Mr. WYDEN. Yes.

Ms. MANCUSO. As of now, I don't think we have any.

Mr. WYDEN. No game shows at all?

Ms. MANCUSO. Are you talking about for kids or for——

Mr. WYDEN. No, game shows for adults.

Ms. MANCUSO. As far as I know, we don't have any.

Mr. WYDEN. How about adult sitcoms?

Ms. MANCUSO. In prime time, there are a good number of sitcoms.

Mr. WYDEN. Thirty hours?

Ms. MANCUSO. I have to sit and figure it out. I don't think that many, no. No, there are only 22 hours of prime time.

Mr. WYDEN. Yes, I was thinking about the networks in the aggregate, and I appreciate your clarifying that.

I guess what strikes me is that if you look even in the evening and you see plenty of adult sitcoms, and I certainly see lots of shows during the day on various kinds of stations as well that seem of fairly minimal priority in terms of educational programming, and Mr. Markey says can't we do a little bit more for young children, and you all say you are doing 2½ hours for teens.

It just seems to me that for the millions of parents across this country, it wouldn't be too much to ask, at a time when the networks are getting more opportunities, for you all to have at least a few hours of programming for the millions of youngsters across the country. I don't think that is too much to ask, and that is not to diminish in any way your programming for teens. Let's stipulate, we think that is real useful and we think that is a useful function that the network is fulfilling, but I don't think it is too much to ask that for the millions of kids across this country, that a network that does plenty of adult sitcoms has a few hours for children.

Ms. MANCUSO. I consider 13 to 16-year-old-olds children as well, and I think there are many new preschool shows that are coming out which are going to be really, really wonderful.

Mr. WYDEN. They are going to be on NBC?

Ms. MANCUSO. No, on other networks and in syndication and on cable. Nickelodeon is doing it too.

Mr. WYDEN. But you think NBC meets its responsibilities to the kids of America when it has absolutely no shows for youngsters but has hours for teenagers?

Ms. MANCUSO. Yes, I do. I think that the 13 to 16-year-olds are vital—I mean, think of the teenage years; think of all the important issues that we are dealing with. I think we serve it because we live in a world where there are some other people not serving teenagers but serving the preschool kids as well. So I think if you look at the landscape, we are all fitting in where we can best serve.

Mr. WYDEN. Well, as the parent of two that are young that aren't served by your teenage market, I can tell you that most of the parents that I know that are of my age would think it would be fine to give up some adult sitcoms in the evening and have a few hours for our kids to see some good educational programming, and I thank the chairman for yielding.

Mr. MARKEY. I thank the gentleman very much.

Again, just Mr. Britt, and we will wrap up here, but the message is, you can make money directing programs of quality at the children's's audience. Is that correct?

Mr. BRITT. Yes, sir, you can do that. I am not here to say that it is easy to do that, but I am here to say that it is doable, and that people do it, and that the argument that educational programming isn't going to get an audience is just not a valid argument.

Mr. MARKEY. And Mr. Zaloom, in your experience as an actor, are there quality actors who would be interested in making a living and making money as well?

Mr. ZALOOM. Yes, there are plenty of waiters and actors who would love to make a living. But I think the important thing is that these programs need to be supported with promotion and advertising, which they often aren't, they need to not be preempted, you know, 14 weeks in a row. We have a hard time building our audience as a result of those things.

We can win all the awards in the world and have the backing of educators and parents and have people be enthusiastic, but if every time you turn on the TV set the show isn't on the air, you know, people think the show has died and gone to television heaven, and, you know, yes, money can be made, but there has got to be support put behind the show, and the show has got to be on the air so it can make money, it can't just be to fulfill some requirement.

Mr. MARKEY. Well, you know, broadcasters can go to great lengths in creating ceremonies to give themselves awards for the wonderful things that they do. But who takes responsibility for the 15,000 murders that children are going to see on television before the age of 10?

Who takes responsibility for all of the children's programs which are preempted as they are sent across the country?

Who takes responsibility for the fact that we are seeing this decline from 11 hours down to 2 hours per week on each of the networks over the last 14 years?

Who takes responsibility for ensuring that? While broadcasters don't want to have a violence chip be legislated so that parents can protect themselves against this universe of violent programming which is on the air, but at the same time do not provide any quality programming in any quantity which the parents can substitute?

Who takes responsibility for that? Who has meetings on that? Who has ceremonies on that for those children, those children, those 42 percent in this country that are in families with $30,000 family income or lower?

No one takes responsibility for that. There are no ceremonies for that. That is left for the evening news, or adult news, about the rise in teenage violence and crime in our society.

So we need to change this formula, and we need to have some sense of responsibility that the networks and all the broadcasters take towards this subject. It is not just gun control, it is not just the demise of the family or the school, it is television as well. Except for the family and except for the school, television is the other major influence on the development of the mind of every single child in our country.

So we have to talk about it, and we are going to in this committee. Something has to be done, and it is going to be part and parcel of the major rewrite of telecommunications law since 1934 that is moving through this committee. We are going to discuss it at the same time, because it is important for us to hear from the networks what they think their responsibility is to children in this country.

We will look back to the seventies as the golden era of television, believe it or not, and with sociologists and mental health specialists, we will be able to chronicle the development of the minds of these children and what their effects were on our society right after the turn of the century and point back to broadcasters.

So I think we can do something here, and we want to work with you to accomplish that goal, and we want to make sure that you understand how important it is to the members of this subcommittee and I think to the American people.

So let's just wrap up then with one minute from each one of the witnesses, if we could, on what you want us to remember.

Yes, Mr. Wyden.

Mr. WYDEN. If I could have your indulgence, could I ask one additional question of Ms. Cochran?

Mr. MARKEY. Sure.

Mr. WYDEN. Ms. Cochran, there was some discussion earlier with respect to the amount of time that would be appropriate, and the staff has briefed me on that discussion. But I am also interested in knowing whether or not you think that there needs to be a clearer definition of what kind of programming responds to educational and informational needs of children.

When I read the definition, I mean it just seems so vague as to be virtually anything, and I am wondering if you think a clearer definition would be appropriate.

Ms. COCHRAN. A clearer definition? Actually, I don't, no. I agree with Ms. Loesch when she stated that we know it when we see it, and there can be a variety of different format types that accomplish those goals. I don't think that is the big issue.

It seems to me the big issue is the amount of time that is being spent on it. I don't think the definition is at fault.

Mr. WYDEN. So you all think at this point that an hour a day is also something that you would question with respect to the public interest?

Ms. COCHRAN. I can't speak for anybody but my station, and I air eight children's shows that are—you know, meet the educational and informational needs of kids, and, you know, I welcome the creation of more and, you know, certainly would look at that. I wouldn't put a standard on it. I wouldn't say that where the program is available to me that I wouldn't, you know, program my entire children's block if I thought that the quality——

Mr. WYDEN. You wouldn't support any changes then with respect to quantity and you wouldn't support any changes with respect to the definition of education programming whatsoever? Business as usual?

Ms. COCHRAN. Well, INTV's position, that I agree with, is 2 hours a week as a minimum, as a safe harbor.

Mr. WYDEN. But no changes at all in the Act and really business as usual, we will just see what happens out about the countryside?

Ms. COCHRAN. Oh, no. There needs to be, you know, renewed focus, and, as I said, I really can't speak other than for our situation, and we, you know, we are acutely interested in this issue and want to do more and seek to do more and will do more as the programming becomes available.

Mr. WYDEN. But all this should be done outside the Congress and the FCC doing anything different with respect to the Act or regulations. What you are saying is, "Trust us." You are saying you are interested, and you seem to be a very sincere person, but you are really saying, "Trust us, don't change the rules."

Ms. COCHRAN. The 2 hour would be a change—the 2-hour weekly would be the change.

Mr. WYDEN. That would be the one change you would support?

Ms. COCHRAN. Yes.

Mr. WYDEN. OK. Thank you.

Mr. Chairman, thank you.

Mr. MARKEY. Thank you, Mr. Wyden.

Let's just have the witnesses give us their final 1-minute summation of what they want us to remember from this hearing—1 minute, no more than 1 minute, and we will just go back through our witnesses again, and we will begin with you, Mr. Zaloom, if you could just give us a 1-minute summary of what you want us to remember as we consider this issue.

Mr. ZALOOM. Well, I just would like to say I think "The Flintstones" does fulfill the requirements of the Act because it really does educate children about the upcoming movie.

You know, in the Act there is a clause about activities that stations can undertake independent of broadcasting, and I would like to just bring up an example. I don't know the call letters of the station in Boston. I believe it was a CBS affiliate when our show was syndicated. They were broadcasting "Beakman's World", and they did a whole public education program with schools and outreach, and they had study guides, and they really went to a tremendous effort to publicize the show and sort of elaborate what we were doing with the show with the children in their community, and, as a result, we got, I believe, a 12.0 share when the show was on as opposed to the average which was about 3.0.

So by making that effort, the station is looking good, it is doing good things public relations-wise for themselves, they are increasing the ratings for the show, and everybody wins.

So I really don't see what the problem is here, and I also think you folks should really think about defining what the words "regularly scheduled" means. You know, does it mean once a month, or what? Please give that some thought.

Thank you.

Mr. MARKEY. Ms. Montgomery.

Ms. MONTGOMERY. Yes. Well, as we have seen, this Children's Television Act didn't really start to have any kind of impact until there was pressure from the public, from the press, from the Government, and until the industry saw that maybe it was actually going to be enforced and perhaps the rules would be made stronger, and I just want to reiterate as forcefully as I can that if the rules are not made stronger, if they are not made more clear, we will have seen a very brief response from this industry and we will have seen a moment of very important opportunity pass, and we are talking here about very powerful market forces and a very profitable business, and what we need are effective policies as appropriate intervention to that, and I think if we can do that, we will see some long lasting changes and we will see some improvements in the availability and diversity of programming for kids in this country for years to come.

Mr. MARKEY. Ms. Mancuso.

Ms. MANCUSO. The Children's Television Act really forced us to intensify our efforts to be responsible children's programmers. We used consultants for many years before that, but I have to say the Act did move us. I think everyone is really trying, and this is a little more negative than I anticipated, I have to be honest with you on that.

I would just ask you to remember that education comes in many different forms, many different program genres for many different age groups, and I can't put a stamp on one being more valuable than the other.

I also want to say that stations come in many different markets and they have very different needs, each individual market. So I would just hope that you would remember those things, and thank you very much for including us today.

Mr. MARKEY. You do a good job.

Ms. MANCUSO. Thank you.

Mr. MARKEY. Can we go to you, Ms. Bacon.

Ms. BACON. I guess in many ways this discussion has not surprised me. It is one that is very familiar to me. Whenever you get into a discussion that comes down to a discussion about money versus kids, it is not surprising where most people wind up. I am fond of saying that we are about to go down in history, in American history, as the first generation of Americans who cared more about what they left in their pockets than what they left in their kids's minds, and I think this discussion in many ways has strengthened that belief in my mind.

On the other hand, I am surprised because I think that it is possible for us if we all really cared and we all really worked to make some changes. I don't see what would be wrong with keeping the hours between 7:00 and 8:00 for every station, cable and commercial network, and keeping it for educational programs or news programs that parents could watch with their children, and it would make a tremendous difference as we try to educate kids if we could really count on what was being discussed.

I will tell you, whether it was the weather this past winter or what, but there is a tremendous difference in what kids come to school discussing now, and most of it I can find a root for right in the 4:00 to 5:00 hour on the major networks, and I am not going to talk about names or anything like that, but I would much rather be able to go to something like this and pick up a really well done and coordinated teachers' guide and know that what the kids were going to come to school talking about was something that made a difference to them rather than, you know——

Mr. MARKEY. Ms. Bacon, why don't you just list what kids were talking about in the last 4 or 5 months as a schoolteacher so we can get an idea what effect television has on children, just very briefly. Just give us the subjects.

Ms. BACON. Well, women whose husbands' sisters have slept with them——

[Laughter.]

Ms. BACON. No, I'm serious. It is not funny. You know, I try and teach kids quality writing and quality thinking, and I spend a great deal of my time defending public education in this country in a different atmosphere from this, and it is very difficult when you go to school in the morning and all the kids are talking about is, not the writing assignment that you gave them last night or the reading assignment that you carefully picked out, or even when you are really trying and do the kinds of things—we get Time; I buy Time and Newsweek, 5 or 6 or 10, because the town can't afford them for the kids, and yet you can't get them to discuss those kinds of things because what they are discussing is what they see on these talk shows.

So why couldn't we keep a half-hour right before supper or a half-hour or an hour right after supper and have everybody in the country really care and really make a concerted effort? And it would make a difference, it would make a tremendous difference, and it would make my job a lot easier, and it would make, I believe, all of our lives a lot better.

Mr. MARKEY. A very good job.

Ms. Loesch.

Ms. LOESCH. Well, I couldn't agree more with what she just said as far as caring about our children. As you acknowledge, the Fox Broadcasting Company, which in prime time programs 15 hours a week in children's; we program 19 hours a week this fall, 3 of which will be core curriculum programming, we are not stopping there. We have lots more planning for which we are proud, including, I might mention, we have a monthly magazine which we send out free to children. We have over five and a half million children that we send out an entertainment and informational magazine

I think that with my colleagues, particularly Linda, we have spent most of our careers trying to craft quality programming for children and teens, and we will continue to do so, and we will continue to abide by the rules and regulations as set forth.

Thank you.

Mr. MARKEY. Thank you, Ms Loesch.

We will go to you, Ms. Cochran

Ms. COCHRAN. I hear what you are saying, Mr. Chairman. You want more on the air. We want more on the air. We will put more on the air. As the programming becomes available, we will put it on the air. We currently air eight shows per week in good time periods. We also air PSA's, short-form locally produced vignettes. We work with the school systems in conjunction with our programming, and we will continually try to do better.

Mr. MARKEY. Thank you.

Mr. Britt.

Mr. BRITT. Thank you, Mr. Chairman.

I guess I would like to leave about three things with this committee. I think, first of all, the main point is that more is needed. What you have seen by way of improvement is a direct reaction to the pressure of this committee and the commission, and I have been in this business for 25 years, and it has ever been so.

The lights went off in 1981, and they have not come on again until we really got serious with the help of the chairman about the Children's Television Act.

As we look at what needs to be done, I guess I would urge two things. One is that I think it is possible to have a process definition that will help, finally help, everybody without getting regulators into the studio, and it is along the lines that we have recommended to the subcommittee and to the commission.

Secondly, in terms of the difference market by market, and that is a reality, I again call to the attention of the subcommittee that, in addition to some mandatory minimum, that it really would make sense to go not simply market by market but station by station, and to the degree that stations individually make money and devote a significant amount of time to children's programming, a fixed proportion of that should be devoted to education. We say make it easy to start with, 10 percent, and move up to 25 percent.

I guess the only other thing that I want to say is to underline the comments that you made at the beginning and at the end of this, which is that we are creating tomorrow's generation, we are creating tomorrow's news headlines, and the television medium is, next to parents and teachers, the most powerful educator in the lives of kids today, and we have a responsibility as adults to decide what they are going to learn.

Thank you, Mr. Chairman.

Mr. MARKEY. Thank you, Mr. Britt.

And you, Mr. Takano.

Mr. TAKANO. Thank you.

More and more we talk about that chart being accurate or inaccurate, but I really kind of think that we are splitting hairs. If you tell the networks to add an hour here, add an hour there, it really doesn't matter if it is six o'clock in the morning. I think everyone is talking about the quantitative time blocks. I think we should worry more about the quality of the time blocks, and I also want to just say that I am not some, you know, producer with, I guess, a bee in his bonnet saying that, you know, my show shouldn't have been canceled, because there are various reasons for that to happen.

The company I work for, A H Belo Corporation, also backs Paul Zaloom's show financially, it is a financial partner in that show, so we know that kids' programming can make money. And, lastly, I think if you look at what is at stake, it is not really time blocks but it is really our children, our future.

Thank you.

Mr. MARKEY. Thank you, Mr. Takano, very much.

I think that Mr. Wyden and I, Mr. Fields, I think you can sense that every person on this committee is very concerned about the trends, very concerned that we haven't seen the real benefits from the Children's Television Act of 1990 that we thought would have taken place 4 years later. We have given time for this to develop, and it is moving only incrementally.

We have to find a way now to make sure that we see the dramatic change in the relationship that exists between broadcasters and the amount of time they set aside for children's programming, and I think you can expect to see continued and increasing interest by the subcommittee in the weeks and months ahead as we reestablish the new rules for the telecommunications world generally. There is nothing more important, nothing, than how it will treat children in our society, and we are going to make sure that subject has been fully addressed before the end of this year.

This hearing is adjourned. Thank you.

[Whereupon, at 12:50 p.m., the hearing was adjourned.]

[The following statement was submitted for the record:]

STATEMENT OF JEANETTE B. TRIAS, PRESIDENT, ABC CHILDREN'S ENTERTAINMENT

My name is Jennie Trias and I am president of ABC Children's Entertainment for the ABC Television Network of Capital Cities/ABC, Inc. In my statement, I would like to tell you why I believe that the Commission's current definition of "educational and informational" programming is the right one. I will also give you my views on why short-form programs are deserving of primary educational credit.

The current FCC standard requires that the program be "specifically designed" to serve either the intellectual needs or social needs of children 16 and under. In my opinion, this standard is concrete enough to guide broadcasters in fulfilling their responsibilities under the Children's Act, and at the same time flexible enough to allow producers and broadcasters the freedom to respond in creative and diverse ways to the programming challenge. On the other hand, I believe that the alternative definition that the Commission proposed in its Notice of Inquiry—that a program must have education as a "primary objective" with entertainment as a "secondary goal" would undermine the goals of creativity and diversity.

Children's Television Workshop put the issue very well in its written comments last year: effective educational programming must first reach before it can teach. If a program is lacking in entertainment value, not enough children will watch to attract the advertising revenue necessary for commercial survival. And it is not just a matter of money. A program is not effective in teaching unless children are attentive to what they are watching. Children pay more attention when their emotions are engaged by strong characters, good stories, and the utilization of entertainment techniques such as music, sound effects, and eye-catching graphics.

A standard that allows for the use of entertainment techniques will not open the floodgates to entertainment programs that merely tack on a pro-social message. Under the current standard, a program must be "specifically designed" to serve an educational need. To me, that means the broadcaster must be able to demonstrate that the program had a clearly articulated plan to achieve an educational goal. The

Commission can test the broadcaster's good faith by asking what the educational plan is and what steps were taken to ensure it is carried out.

There are many ways that can be done. At Capital Cities/ABC, we assign a Broadcast Standards director and editor to work with every children's program producer. The director has a doctorate in child psychology and years of hands-on experience with programming. The editor has 10 years of teaching experience. Before any educational show goes into production, our Broadcast Standards director and editor meet with the producer to define the educational goals and to establish how they will be implemented. From time to time, we also call upon outside educational consultants to work with us in both planning and production. The process that we engage in meets the "specifically designed" test. A broadcaster who merely came up with a new description for a recycled entertainment program would fail the "specifically designed" test.

To my way of thinking, the "specifically designed" test is a much more objective standard than is the "primary purpose" test. It can be enforced by the Commission without second-guessing broadcaster program judgments. On the other hand, the "primary purpose" standard would be entirely subjective. The Commission would find itself screening programs to decide whether the educational content is enough to make it "primary" or whether the entertainment component is too significant. That kind of decisionmaking would necessarily raise serious concerns of improper government oversight.

There is another criticism of the current FCC standard that I would like to discuss briefly. Some critics say that serving children's social or emotional needs is not really educational. They would have the FCC narrow the definition so that only instructional programs would qualify. They say that broadcasters can slap the pro-social label on any program that is vaguely beneficial. Even if a pro-social standard is capable of abuse at the margin, it does not follow that bona fide programs that teach values or coping skills lack significant educational merit. The American Academy of Pediatrics has said that efforts to promote pro-social behavior in children are essential. We agree. There are many examples of legitimate pro-social programs that deserve educational credit. Perhaps the best known is the ABC Afterschool Special series. This coming season one episode, "Boys will be Boys", will deal with sexual harassment in a high school setting. Another program, "Girlfriend", tells the story of a friendship that comes under the strain of racial differences. Other programs will deal with teenagers coping with lack of self esteem, with weight problems and with issues such as step-parenting and couple violence. I don't think anyone who has seen our Afterschool Specials would quarrel with their entitlement to educational credit.

I would also like to touch on the subject of short-form programming. The Commission would propose to reduce the credit it now gives to short-form educational programming. I think that would be a mistake. The short-form has many advantages in serving children's educational needs. For one thing, the length of a short-form segment better matches the attention span of young children. We have previously submitted to the Commission the results of a study that demonstrates that point. Second, shortforms that are inserted in high-rated entertainment programs reach more children than standard length educational programs. Finally, short-forms can be a very effective educational tool. ABC Schoolhouse Rock is a very good example.

Schoolhouse Rock is a series of 3-minute programs which originally ran on ABC from 1973 until 1985. The segments make learning fun by mixing music and rhyme with history, science, mathematics and grammar. A recent study shows that college students who were exposed to the Schoolhouse Rock history segment, Preamble Rock, when they were children still have strong verbatim recall of the text of the Preamble to the Constitution. The many letters we have received confirm that college-age kids not only loved Schoolhouse Rock but still remember the lessons it taught. In the film, "Reality Bites" there is a scene in which college graduates in caps and gowns sing a few lines of Conjunction Junction, a Schoolhouse Rock grammar segment, which teaches that part of speech. A few years ago we decided to bow to popular demand and return Schoolhouse Rock to our children's Saturday morning schedule. It has been on the schedule ever since. This year, we produced new episodes completing the Grammar Rock category with songs on prepositions and subject/predicate. We've started a new category known as "Money Rock" that will instruct children on money and financial matters. One segment will show the song "Dollars and Sense" that delineates between interest earned and interest paid. We also have plans to do songs on taxes, the national debt and the deficit. By the way, Schoolhouse Rock is scheduled at the same time every week so that parents who want their children to watch it can easily find it.

To summarize my views, I believe that the FCC's current "specifically designed" test is the appropriate standard for deciding what should qualify as educational and that short-form programs are deserving of primary educational credit.

ISBN 0-16-045897-8
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